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The Gazette of India

प्राधिकार से प्रकाशित

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सं० 33] नई दिल्ली, शनिवार, अगस्त 13, 1966/श्रावण 22, 1888

No. 33] NEW DELHI, SATURDAY, AUGUST 13, 1966/SRAVANA 22, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 2 अगस्त, 1966 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 2nd August, 1966:—

Issue No.	No. and Date	Issued by	Subject
242	S. O. 2309, dated 27th July, 1966.	Ministry of Commerce	Open General Licence No. IV—Amendment of.
243	S. O. 2310, dated 27th July, 1966.	Ministry of Labour, Employment and Rehabilitation	Constitution of an Industrial Tribunal in relation to the dispute between the employers of the Visakhapatnam Port Trust, Visakhapatnam and their workmen.
	S.O. 2311, dated 27th July, 1966.	Do.	Prohibiting the continuance of a strike in connection with an industrial dispute between the employers of the Visakhapatnam Port Trust, Visakhapatnam and their workmen.
244	S.O. 2312, dated 27th July, 1966.	Do.	Arbitration agreements between the employers in relation to the Madras Dock Labour Board, Madras and their workmen.

Issue No.	No. and Date	Issued by	Subject
245	S. O. 2313, dated 28th July 1966.	Ministry of Commerce	Further amendments to the Exports (Control) Order, 1962.
246	S. O. 2314, dated 30th July, 1966.	Do.	Certain directions under the Essential Commodities Act, 1955.
247	S. O. 2315, dated 1st August, 1966.	Ministry of Law	Election to fill casual vacancy.
248	S. O. 2316, dated 2nd August, 1966.	Ministry of Commerce	Amendments in the Second Schedule to the Indian Tariff Act, 1934.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिएं।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 29th July 1966

S.O. 2383.—In exercise of the powers conferred by sub-section (1) of Section 13C of the Representation of the People Act, 1950, the Election Commission hereby directs that the following amendments shall be made in its notification No. 429/DL/66 dated the 23rd July, 1966, namely:—

In the Table appended to the said Notification for the existing entries in column 3, against items No. 1, 2 and 7, the following entries shall be substituted:—

1. Shri Jagmohan, Magistrate, 1st Class, Delhi.
2. Shri A. K. Kapur, Magistrate, 1st Class, Delhi.
7. Judicial Magistrate, Karol Bagh.

[No 429/DL/66.]

New Delhi, the 30th July 1966

S.O. 2384.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints, in respect of each of the Parliamentary constituencies in the State of Kerala as determined by the Delimitation Commission in its order No. 7, dated the 7th May, 1964, and specified in column 1 of the Table below,—

(*a*) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer ; and

(*b*) the officers specified in the corresponding entry in column 3 of the said Table to be the Assistant Returning Officers.

TABLE

Name of the Constituency	Returning Officer	Assistant Returning Officers
1	2	3
1. Kasargod	District Collector, Cannanore.	1. Personal Assistant (General) to the District Collector, Cannanore. 2. Revenue Divisional Officer, Kasargod. 3. District Panchayat Officer, Cannanore. 4. Deputy Registrar of Co-operative Societies, Cannanore. 5. District Registrar, Cannanore. 6. Deputy Collector (Elections), Cannanore.
2. Tellicherry	District Collector, Cannanore.	1. Personal Assistant (General) to the District Collector, Cannanore. 2. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Cannanore. 3. District Labour Officer, Cannanore. 4. Divisional Forest Officer, Manantoday. 5. Revenue Divisional Officer, Tellicherry. 6. Deputy Collector (Elections), Cannanore.
3. Badagara	District Collector, Kozhikode.	1. Personal Assistant (General) to the District collector, Kozhikode. 2. Deputy Registrar of Co-operative Societies, Kozhikode. 3. District Panchayat Officer, Kozhikode. 4. District Registrar, Kozhikode. 5. Revenue Divisional Officer, Kozhikode. 6. Deputy Collector (Election), Kozhikode.
4. Kozhikode	District Collector, Kozhikode.	1. Personal Assistant (General) to the District Collector, Kozhikode. 2. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Kozhikode. 3. Commissioner, Corporation, Kozhikode. 4. Assistant Excise Commissioner, Kozhikode. 5. Divisional Forest Officer, Kozhikode. 6. Deputy Collector (Elections), Kozhikode.
5. Manjeri	District Collector, Kozhikode.	1. Personal Assistant (General) to the District Collector, Kozhikode. 2. Deputy Director of Panchayats, Kozhikode. 3. Revenue Divisional Officer, Malappuram. 4. Divisional Forest Officer, Nilambur. 5. District Registrar, Palghat. 6. Deputy Collector (Elections), Kozhikode.

1	2	3
6. Ponnani	District Collector, Palghat.	1. Personal Assistant (General) to the District Collector, Palghat. 2. Revenue Divisional Officer, Ottapalam. 3. Deputy Registrar of Co-operative Societies, Palghat. 4. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Palghat. 5. District Panchayat Officer, Palghat. 6. Assistant Excise Comissioner, Trichur. 7. Deputy Collector (Elections), Palghat.
7. Palghat	District Collector, Palghat.	1. Personal Assistant (General) to the District Collector, Palghat. 2. Divisional Forest Officer, Palghat. 3. Personal Assistant (Land Acquisition) to the District Collector, Palghat. 4. Divisional Forest Officer, Nemmare. 5. Revenue Divisional Officer, Palghat. 6. Deputy Collector (Elections), Palghat.
8. Trichur	District Collector, Trichur.	1. Personal Assistant (General) to the District Collector, Trichur. 2. Deputy Registrar of Co-operative Societies, Trichur. 3. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Trichur. 4. Divisional Forest Officer, Trichur. 5. Revenue Divisional Officer, Trichur. 6. Deputy Collector (Elections), Trichur.
9. Mukundapuram	District Collector, Trichur.	1. Personal Assistant (General) to the District Collector, Trichur. 2. Personal Assistant (Land Acquisition) to the District Collector, Trichur. 3. Divisional Forest Officer, Chalakudy. 4. District Labour Officer, Trichur. 5. District Labour Officer, Alwaye. 6. Deputy Collector (Elections), Trichur.
10. Ernakulam	District Collector, Ernakulam.	1. Personal Assistant (General) to the District Collector, Ernakulam. 2. District Panchayat Officer, Ernakulam. 3. Deputy Collector (Land Acquisition), Ernakulam. 4. Revenue Divisional Officer, Ernakulam. 5. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Ernakulam. 6. Deputy Collector (Elections), Ernakulam.
11. Muvattupuzha	District Collector, Ernakulam.	1. Personal Assistant (General) to the District Collector, Ernakulam. 2. Deputy Director of Panchayats, Ernakulam. 3. Deputy Registrar of Co-operative Societies, Ernakulam.

1	2	3
		4. Revenue Divisional Officer, Muvattupuzha. 5. Divisional Forest Officer, Munnar. 6. Deputy Collector (Elections), Ernakulam.
12. Peermade	District Collector, Kottayam.	1. Personal Assistant (General) to the District Collector, Kottayam. 2. Revenue Divisional Officer, Devicolam. 3. Divisional Forest Officer, Kottayam. 4. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Kottayam. 5. Divisional Forest Officer, Ranni. 6. Deputy Collector (Elections), Kottayam.
13. Kottayam	District Collector, Kottayam.	1. Personal Assistant (General) to the District Collector, Kottayam. 2. District Labour Officer, Kottayam. 3. Personal Assistant (Land Acquisition) to the District Collector, Kottayam. 4. Assistant Excise Commissioner, Kottayam. 5. Revenue Divisional Officer, Kottayam. 6. Deputy Collector (Elections), Kottayam.
14. Ambalapuzha	District Collector, Alleppey.	1. Personal Assistant (General) to the District Collector, Alleppey. 2. Revenue Divisional Officer, Alleppey. 3. District Panchayat Officer, Alleppey. 4. Punja Special Officer, Alleppey. 5. District Labour Officer, Alleppey. 6. Deputy Collector (Elections), Alleppey.
15. Mavelikara	District Collector, Alleppey.	1. Personal Assistant (General) to the District Collector, Alleppey. 2. District Registrar, Alleppey. 3. Deputy Registrar of Co-operative Societies, Alleppey. 4. Assistant Excise Commissioner, Alleppey. 5. Revenue Divisional Officer, Chengannur. 6. Deputy Collector (Elections), Alleppey.
16. Adoor	District Collector, Quilon.	1. Personal Assistant (General) to the District Collector, Quilon. 2. Revenue Divisional Officer, Adoor. 3. Deputy Registrar of Co-operative Societies, Quilon. 4. District Labour Officer, Quilon. 5. Deputy Director of Panchayats, Quilon. 6. Deputy Collector (Elections), Quilon.
17. Quilon	District Collector, Quilon.	1. Personal Assistant (General), to the District Collector, Quilon. 2. District Registrar, Quilon. 3. The Revenue Divisional Officer, Quilon. 4. District Panchayat Officer, Quilon. 5. Assistant Excise Commissioner, Quilon. 6. Deputy Collector (Elections), Quilon.

1	2	3
18. Chirayinkil	District Collector, Trivandrum.	1. Personal Assistant (General) to the District Collector, Trivandrum. 2. Revenue Divisional Officer, Trivandrum. 3. Assistant Excise Commissioner, Trivandrum. 4. District Panchayat Officer, Trivandrum. 5. District Labour Officer, Trivandrum. 6. Deputy Collector (Elections), Trivandrum.
19. Trivandrum	District Collector, Trivandrum	1. Personal Assistant (General) to the District Collector, Trivandrum. 2. Appellate Assistant Commissioner of Agricultural Income Tax and Sales Tax, Trivandrum. 3. Personal Assistant (Land Acquisition) to the District Collector, Trivandrum. 4. District Registrar, Trivandrum. 5. Deputy Registrar of Co-operative Societies, Trivandrum. 6. Deputy Collector (Elections), Trivandrum.

[No. 434/KL/64.]

New Delhi, the 4th August 1966

S.O. 2385.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, and in supersession of its notification No. 434/POND/63(1), dated the 6th July, 1963, the Election Commission, in consultation with the Government of Pondicherry, hereby designates the Under Secretary, Appointments Department, Pondicherry, to be the Returning Officer for the Parliamentary Constituency in the Union Territory of Pondicherry.

[No. 434/POND/66.]

New Delhi, the 5th August 1966

S.O. 2386.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Pondicherry Administration, hereby nominates Shri G. Gopalakrishnan as the Chief Electoral Officer for the Union Territory of Pondicherry with effect from the date he takes over charge and until further orders.

[No. 154/21/66.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 1st August 1966

S.O. 2387.—The President is pleased to appoint Shri R. C. Soni, a retired Judge of the Punjab High Court, as a Member of the Delimitation Commission, with effect from 1st August, 1966, *vice* Shri C. P. Sinha, who has resigned his Membership in the Commission.

[No. F. 12(7)/66-Elec.]

A. S. LOKANATHAN, Under Secy.

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 1 अगस्त, 1966

वि० आ० 2388:—राष्ट्रपति, अपने प्रसाद से, पंजाब उच्च न्यायालय के सेवा निवृत्त न्यायाधीश श्री आर० सी० सोनी को 1 अगस्त, 1966 से परिसीमन आयोग के सदस्य के रूप में, श्री सी० पी० सिन्हा के स्थान पर नियुक्त करते हैं जिन्होंने आयोग में अपनी सदस्यता का पदत्याग कर दिया है ।

[सं० फा० 12(7)/66-निर्वा ।]

ए० एस० लोकनाथन, अवर सचिव ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd July 1966

S.O. 2389.—The Central Government is pleased to notify that Maharajkumar Arvind Kumar Singhji, son of the Ruler of Udaipur, has been nominated by the said Ruler for the purpose of entry 2(b) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-(V)-P. IV, dated the 13th July, 1962 [G.S.R. 991, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 28th July, 1962]

[No. 16/11/66-P.IV.]

G. L. BAILUR, Under Secy.

गृह मंत्रालय

नई दिल्ली, 22 जुलाई, 1966

वि० आ० 2390:—भारत सरकार को यह अधिसूचित करते हुए हर्ष है कि उदयपुर के महाराजा के पुत्र महाराजकुमार अरविन्द कुमार सिंह जी उक्त शासक द्वारा गृह मंत्रालय को 13 जुलाई, 1962 की अधिसूचना संख्या 15/13/59-(5)-पी०-4 के साथ संलग्न प्रथम अनुसूची की प्रविष्टि 2(ख) [भारत के राजपत्र भाग II खण्ड 3, उप-खण्ड (ii), दिनांक 28 जुलाई, 1962 में प्रकाशित जी० एस० आर० संख्या 991] के लिये नामित किये गये हैं ।

[सं० 16/11/66-पी० 4]

जी० एल० बलूर, अवर सचिव ।

New Delhi, the 1st August 1966

S.O. 2391.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Special Police Establishment (Executive Staff) Recruitment Rules, 1963, namely:—

1. (1) These rules may be called the Special Police Establishment (Executive Staff) Amendment Rules, 1966.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Special Police Establishment (Executive Staff) Recruitment Rules, 1963, against the post of Superintendent of Police—

(i) under Column 2, for the existing entry, the following entry shall be substituted, namely:—

"47 (including posts of A.I.G. of Police and Assistant Director)", and

(ii) under Column 11, for the existing entry under "Deputation", the following entry shall be substituted, namely:—

"Suitable officers of the State Police Forces and officers of the Indian Police Service".

[No. 213/3/66-AVD(II).]

N. SRINIVASAN, Under Secy.

New Delhi, the 2nd August 1966

S.O. 2392.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (i) These rules may be called the Authentication, (Orders and other Instruments) ninth Amendment Rules, 1966.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958 for Clause (5) the following clause shall be substituted, namely:—

"(S) in the case of Orders and other Instruments relating to the Land and Development Office of the Ministry of Works, Housing & Urban Development by the Land and Development Officer or the Deputy Land Development Officer or the Assistant Settlement Commissioner, or".

[No. 3/5/66-Pub. I.]

FATEH SINGH, Joint Secy

ORDER

New Delhi, the 6th August 1966

S.O. 2393.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), and in continuation of the Order published with the notification of the Government of India in the Ministry of Home Affairs No. 25/12/62-AVD.II, dated the 18th February, 1963, the Central Government hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the States of Andhra Pradesh Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Nagaland, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal, for the investigation of offences specified in the Schedule below:—

THE SCHEDULE

(i) Offences punishable under rule 6 of the Indian Passport Rules, 1950, read with sub-section (3) of section 3 of the Indian Passport Act, 1920 (XXIV of 1920);

(ii) Offences punishable under section 5 of the Registration of Foreigners Act, 1939 (XVI of 1939);

(iii) Offences punishable under sections 10, 11 and 12 of the Aircraft Act, 1934 (XXII of 1934) and under any rule made under sections 5, 7, 8, 8A or 8B of the said Act;

(iv) Offences punishable under section 14 of the Foreigners Act, 1946 (XXXI of 1946).

[No. 25/9/64-AVD.]

A. P. VEERA RAGHAVAN, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 3rd August 1966

S.O. 2394.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. These rules may be called the Delegation of Financial Powers (Second Amendment) Rules, 1966.

2. In Schedule I to the Delegation of Financial Powers Rules, 1958,

(a) under the heading "E. Ministry of Education" for item 3 and the entries relating thereto, the following shall be substituted and be deemed to have been substituted with effect from the 1st day of November, 1965, *namely*:—

"3. Director-General, National Fitness Corps.";

(b) under the heading "J. Ministry of Finance (Department of Revenue)", after item 16 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from the 21st day of April, 1966 namely:—

"17. Chief Chemist, Central Revenues Control Laboratory, New Delhi.";

(c) under the heading "K. Ministry of Food & Agriculture (Department of Agriculture)", after item 22 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from the 29th day of December, 1955, namely:—

"23. Director, Indian Grassland and Fodder Research Institute, Jhansi.";

(d) under the heading "L. Ministry of Food & Agriculture (Department of Food)", for item 12 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 26th day of July, 1965, namely:—

"12. Director, Indo-Norwegian Project, Earnakulam.";

(e) under the heading "N. Ministry of Home Affairs", after item 15 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from the 16th day of May, 1966, namely:—

"16. Sector Commanders of the Border Security Force.";

(f) under the heading "S. Ministry of Labour & Employment", for item 4 and the entries relating thereto, the following shall be substituted and be deemed to have been substituted with effect from the 5th day of November, 1965, namely:—

"4. Director-General, Factory Advice Service and Labour Institutes.";

(g) under the heading "X. Ministry of Steel & Mines (Department of Mines and Metals).", for item 3 and the entries relating thereto, the following shall be substituted and be deemed to have been substituted with effect from the 7th day of June, 1966, namely:—

"3. Controller, Indian Bureau of Mines, Nagpur.";

(h) under the heading "Y. Ministry of transport (Transport Wing).",

(i) for item 4 and the entries relating thereto, the following shall be substituted and be deemed to have been substituted with effect from the 12th day of April, 1966, namely:—

"4. Additional Director-General of Shipping.",

(ii) after item 9 and the entries relating thereto, the following new items 10 and 11 (together with the entries relating thereto) shall be inserted and be deemed to have been inserted with effect from the 1st day of June, 1965 and the 16th day of April, 1966 respectively, namely:—

"10. Chief Engineer and Administrator, Paradeep Port Project.

11. Director (Development), Development Advisor's Organisation, Department of Transport, Shipping and Tourism, New Delhi.";

(i) under the heading "AD. Union Territories" (1) under the sub heading "(b) *Himachal Pradesh Administration*" after item 7 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from the 10th day of March, 1966, namely:—

"8. General Manager, Himachal Government Transport, Simla."; and,

(2) under the sub-heading "(c) Goa, Daman & Diu", after item 6 and the entries relating thereto the following shall be inserted and be deemed to have been inserted with effect from the 20th day of May, 1966, namely:—

"7 Judicial Commissioner".

[No. 2(5)-E.II(A)/66.]

K. N. SINGH, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 1st August 1966

S.O. 2395.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd., Trichur, in respect of the immovable property held by it at Thoppumpady, Palluruthy, Cochin, Ernakulam District, Kerala State, till the 1st August, 1967.

[No. F. 15(15)-BC/65.]

New Delhi, the 4th August 1966

S.O. 2396.—Statement of the Affairs of the Reserve Bank of India as on the 29th July, 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	36,00,08,000
		Rupee Coin	11,12,000
Reserve Fund	80,00,00,000	Small Coin	3,37,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(*a*) Internal	..
		(*b*) External	.
		(*c*) Government Treasury Bills	121,92,42,000
National Agricultural Credit (Stabilisation) Fund	16,00,00 000	Balances Held Abroad*	9,08,34,000
National Industrial Credit (Long Term Operations) Fund	20,00,00 000	Investments**	493,90,65,000
		Loans and Advances to :—	
		(*i*) Central Government	..
		(*ii*) State Governments@	4,60,19,000

Deposits:		Loans and Advances to :—	
(*a*) Government		(*i*) Scheduled Banks†	2,03,90,000
		(*ii*) State Co-operative Banks††	1,39,68,91,000
(*i*) Central Government	132,71,95,000	(*iii*) Others	4,07,40,000
(*ii*) State Governments	34,50,58,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
		(*a*) Loans and Advances to :—	
		(*i*) State Governments	29,40,57,000
		(*ii*) State Co-operative Banks	14,20,48,000
		(*iii*) Central Land Mortgage Banks	..
(*b*) Banks		(*b*) Investment in Central Land Mortgage Bank Debentures	6,16,04,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(*i*) Scheduled Banks	122,89,68,000		
(*ii*) State Co-operative Banks	5,69,49,000	Loans and Advances to State Co-operative Banks	4,64,73,000
(*iii*) Other Banks	6,57,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(*c*) Others	296,65,63,000	(*a*) Loans and Advances to the Development Bank	4,09,17,000
		(*b*) Investment in bonds/debentures issued by the Development Bank	
Bills Payable	34,84,62,000		
Other Liabilities	46,99,16,000	Other Assets	40,40,31,000
Rupees	9,10,37,68,000	Rupees	9,10,37,68,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 3rd day of August, 1966.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 29th day of July, 1966

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	36,00,08,000		Gold Coin and Bullion :—		
Notes in circulation	27,86,52,06,000		(a) Held in India	115,89,25,000	
Total Notes issued		2822,52,14,000	(b) Held outside India	..	
			Foreign Securities	161,42,01,000	
			TOTAL		277,31,26,000
			Rupee Coin		90,29,29,000
			Government of India Rupee Securities		2454,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2822,52,14,000	TOTAL ASSETS		2822,52,14,000

Dated the 3rd day of August, 1966.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(3)-BC/66.]

V. SWAMINATHAN, Under Secy.

CORRIGENDA

"In the Statement of Affairs of the Reserve Bank of India as on the 8th July 1966, Banking Department, published in Gazette of India dated 23rd July, 1966 at Part II-Section 3(ii) on pages 2104-2105, the figure against the item "Small Coin" under Assets side should read as 2,80,000 instead of 3,80,000".

In the Statement of the Affairs of the Reserve Bank of India as on 1st July, 1966, Banking Department, published in the Gazette of India dated 16th July, 1966 at Part II-Section 3(ii) on pages 2037-2038, the figure against the item "Loans Advance and Investments from National Agricultural Credit (Long Term Operations) Fund—(b) Investment in Central Land Mortgage Bank Debentures" under Assets side should read as 5,83,77,000 instead of 5,53,77,000.

(Department of Revenue and Insurance)

ORDER

STAMPS

New Delhi, the 13th August 1966

S.O. 2397.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the promissory notes to be executed by the Madras State Electricity Board in favour of Asea Electric India (Private) Limited, Madras, are chargeable under the said Act.

[No. 13/F. No. 1/41/66-Cus. VII-Stamps.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 2nd August 1966

S.O. 2398.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No. 20 (F. No. 55/1/62-IT), dated the 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3, sub-section (ii), dated the 11th May, 1963 as amended from time to time:—

Against S. No. 7A Delhi (Central) under column 3 of the Schedule appended thereto, the existing entry against item 1 shall be substituted by the following:

"1. Central Circles 1 to VIII at Delhi".

[No. 73 (F. No. 55/245/66-I.T.).]

V. K. JAYARAMAN, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 29th July 1966

S.O. 2399.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1287, dated 14th April 1966 under sub-section (i) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat District—Kaira Taluka—Matar

Village	Survey No.	Acre	Gantha	Sq. Yds.
1	2	3	4	5
Navagam	577	0	8	78
"	587	0	6	52

1	2	3	4	5
Navagam—*contd.*	575	0	10	3
,,	565	0	16	21
,,	564	0	4	90
,,	567	0	10	35
,,	568	0	13	60
,,	789	0	16	8
,,	788	0	13	72
,,	787	0	7	86
,,	785/2	0	5	00
,,	785/1	0	0	95
,,	715	0	22	00
,,	810	0	2	57
,,	812	0	0	67
,,	813	0	11	108
,,	906	0	11	64
,,	829	0	20	12
,,	849	0	10	112
,,	874	0	20	95

[No. 31(41)/64-ONG/OR Vol-2.]

V. P. AGARWAL, Under Secy.

MINISTRY OF COMMERCE

CARDAMOM CONTROL

New Delhi, the 8th August 1966

S.O. 2400.—In exercise of the powers conferred by sub-section (1) of section 7 of the Cardamom Act, 1965 (42 of 1965) read with sub-rule (1) of rule 5 of the Cardamom Rules, 1966, the Central Government hereby appoints Shri S. Narasimhan, Assistant Director in the Cardamom Board to act as Director of the said Board for a period of five months with effect from the 27th April, 1966.

[No. F. 29(31)Plant(B)/66.]

S. BANERJEE, Dy. Secy.

MINISTRY OF MINES AND METALS

ERRATA

New Delhi, the 27th July 1966

S.O. 2401.—In the Notification of the Government of India in the Ministry of Mines and Metals, S.O. No. 1884, dated the 16th June, 1966, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 25th June, 1966 at pages 1837 to 1844:

at page 1838:

(i) In line 4, *for* "Schedule" *read* "Schedule 'A'"

(ii) In line 23, *for* "Central Fharia Block—'A'" *read* "Central Jharia Block 'A'"

(iii) In line 44, *for* "398 ()" *read* "398(P)"

(iv) In line 45, *for* "473 (" *read* "473(P)"

at page 1840:

(i) In line 3, *for* "Central Fharia Block—'A'" *read* "Central Jharia Block — 'A'"

(ii) In line 35, *for* "1285(P)" *read* "1283"

at page 1841:

In line 11, *for* "Bhelatnar" *read* "Bhelatanr"

at page 1942:

(i) In line 38, *for* "1255(P)" *read* "1265(P)"

(ii) In line 44, *for* "241 to 252" *read* "247 to 252"

(iii) In line 45, *for* "284(P)" *read* "264(P)"

(iv) In line 57, *for* "333" *read* "337".

at page 1843:

(i) In line 1, *for* "T-U-V/1" *read* "T-U-U/1"

(ii) In line 18, *for* "Point V/1" *read* "point U/1"

(iii) In line 27, *for* "ough" *read* "through"

(iv) In line 45, *for* "Part comon boundary" *read* "Part common boundary"

(v) In line 47, *for* "1383,89" *read* "1385, 1389"

(vi) In line 48, (after 1413) *for* 1462 *read* "1412" and for "13,8" *read* "1358"

(vii) In line 49, for "1128" *read* "1228" and *for* "1,31" *read* "1131"

(viii) In line 50, for "1163" *read* "1165"

(ix) In line 53, *for* "1188" *read* "1168"

at page 1844:

(i) In line 3, *for* "D.C.B.A/2" *read* "D-C-B-A/2"

(ii) n line 7, *for* "nr and meet a ont 'A'" *read* "Kanchanpur and meet at point A/2".

[No. C2-20(6)/65.]

New Delhi, the 5th August 1966

S.O. 2402.—In the notification of the Government of India in the Ministry of Mines and Metals S.O. No. 1632, dated the 21st May, 1966, published in the Gazette of India, dated the 4th June, 1966, Part II, Section 3, Sub-Section (ii) at pages 1497 to 1498, at page 1497, in line 12—

for "1st June, 1965".

read "1st June, 1966".

[No. C2-20(13)/64.]

RAM SAHAY, Under Secy.

MINISTRY OF HEALTH & FAMILY PLANNING

(Department of Health)

New Delhi, the 5th August 1966

S.O. 2403.—In exercise of the powers conferred by clause (6) of rule 2 of the Indian Port Health Rules, 1955, and clause (9) of rule 2 of the Indian Aircraft (Public Health) Rules, 1954, and in supersession of the notification of the Government of India in the Ministry of Health No. F. 14-3/61-IH dated the 26th June, 1961, the Central Government hereby declares the following countries as areas infected with yellow fever, namely:—

AFRICA

Angola, Bechuanaland, Burundi, Central African Republic, Chad, Congo (Brazzaville), Democratic Republic of Congo, Dahomey, Ethiopia, Gabon, Gambia, Ghana, Guinea, Ivory Coast, Federal Republic of Cameroons, Kenya, Liberia, Mali, Malawi, Mauritania, Niger, Nigeria, Portuguese Guinea, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somali Republic, Spanish Guinea, Sudan (South of 15°N), Tanzania, Togo, Uganda, Upper Volta, Zambia.

AMERICA

Bolivia, Brazil, British Honduras, Guyana, Colombia, Costa Rica, Ecuador, French Guiana, Guatemala, Honduras, Niccaragua, Panama, Panama-Canal, Peru, Surinam, Trinidad and Tobago, Venezuela.

[No. F. 19-2/66-IH.]

AMAR NATH VARMA, Under Secy.

MINISTRY OF TRANSPORT AND AVIATION

(Department of Transport, Shipping and Tourism)

(Transport Wing)

PORTS

New Delhi, the 2nd August 1966

S.O. 2404.—In exercise of the powers conferred by section 122 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby proposes to make the following rules to amend the Major Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1963 and as required by sub-section (2) of the said section the same are hereby published for the information of persons likely to be affected thereby.

2. Notice is hereby given that the draft rules will be taken into consideration on or after the 10th September, 1966. Any objections or suggestions which may be received with respect to the said draft on or before the date so specified shall be taken into consideration by the Central Government.

Draft Amendment

1. These Rules may called the Major Port Trust (Payment of Fees and Allowances to Trustees) Amendment Rules, 1966.

2. For rule 3 of the Major Port Trust (Payment of Fees and Allowances to Trustees) Rules, 1963, the following rule shall be substituted, namely:—

"3. Every Trustee of the Port Trust Boards of Cochin, Kandla and Vishakhapatnam, other than the Chairman, Deputy Chairman or any other Trustee who is a servant of the Central or the State Government, shall be entitled to a fee of rupees twenty five each for attendance at each ordinary or special meeting of the Board and rupees fifteen each for attendance at each meeting of any Committee appointed by the Board under sub-section (1) of section 17 of the Act at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof:

Provided that the aggregate amount of fees payable to any Trustee in respect of the meetings held during any month shall not exceed rupees one hundred and fifty."

[No. F. 6-PG(60)/65.]

N. S. GHOSH, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 2nd August 1966

S.O.2405.—Whereas the Central Government considers that the antiquity specified in the schedules below ought not to be moved from the place where it is without the sanction of the Central Government;

Now, therefore, in exercise of the powers, conferred by sub-section (1) of section 25 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958) the Central Govt. hereby directs that the said antiquity shall not be moved from the place where it is without the written permission of the Director General of Archaeology.

THE SCHEDULE

S.No.	State	District	Tehsil	Locality	Description of antiquity	Ownership	Remarks.
1	2	3	4	5	6	7	8
1	Madhya Pradesh	Satna	Nagod	Near village Pataora	The sculpture shows a prince seated and playing on a *vina* and two men dancing. It bears two inscriptions in the Brahmi script of Sunga period, which read respectively: *Vambumanoavayesa Jatkam and vedisa ayamaya dana rana.*	Shri Lal Singh and Shri Gopal Singh local thakurs of village Pataora	Originally from Bharhut, the sculpture of is now studded as a beam over two pillars of the chhatri on the outskirts of village Pataora. The sculpture has been published by Gen. Cunningham in *Stupa of Bharhut*, plate 26, figure 8.

[No. F. 8-20/66-C2]

S.O.2406.--Whereas the Central Government considers that the antiquities specified in the Schedule below ought not to be moved from the place where they are without the sanction of the Central Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 25 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby directs that the said antiquities shall not be moved from the place where they are except with the written permission of the Director General of Archaeology.

THE SCHEDULE

SL No.	State	District	Tehsil	Locality	Description of the antiquity	Ownership	Remarks.
1	2	3	4	5	6	7	8
1	Madhya Pradesh .	Satara	Nagod	Bhatanwara	A rail pillar with a central modallion presenting a royal group or assembly and a horse, with the half-medallion on top showing a woman just above a curtain. On the other side of the pillar the half-medallion presents a similar pattern but a man substituting the woman, and the central medallion shows a scene of a prince shooting in the sky. Above this is an inscription in Brahmi script of the Sunga Period; *morgiramijatmitasadana*. Size 90" · 12 1/2 × 10 1/2".	Disputed sculptures claimed by the following brothers Urmila Pratap Singh, Virendra Pratap Singh, Kanwar Shri Pratap Singh and Vijay Pratap Singh.	Originally from Bharhut, these sculptures are now fitted into the masonry of the Garhi at Bhatanwara, wherein Shri Urmila Pratap Singh is now residing.
2	Madhya Pradesh .	Satna	Nagod	Bhatanwara	A rail pillar showing a rider on horse-fish in the central medallion on one side and on the other two carbs clutching two men. There is also an inscription in Brahmi Script of the Sunga period, which reads: *Karshakata utaragadhikasa thabhoda*. Size 65 1/2" × 11 1/2" × 12".	As above.	As above
3	Madhya Pradesh .	Satna	Nagod	Bhatanwara	A coping piece with central portion well-preserved, showing in the bights of the *Kalpavalli*, mountain climbers and elaborate *kanthi* or necklet and earrings both circular ones and a long *karanaveshtana*. Towards one end,	As above.	As above.

					the tail of an elephant is visible though the rest of the figure has been chiselled off for using the piece as a beam. This is also fixed as beam over capitals of two pillars, size: 56" × 12" × 13½".		
4	Madhya Pradesh	Satna	Nagod	Bhatnawara	A coping piece, covered with accumulated dirt and dust but showing a series of lotuses and a row of bells, a common motif at Bharhut. Size: 71" × 13¼" × 13½".	As above	As above.
5	Madhya Pradesh	Satna	Nagod	Bhatnawara	Octagonal shaft of a pillar with an inscription in three line in Brahmi script of Sunga period which reads: *Suganara agaraja torana*. Size : 56".	As above	As above

[No F. 8-20/66-C2.]

S.O.407.—Whereas the Central Government considers that the antiquity specified in the schedule below ought not to be moved from the place where it is without the sanction of the Central Government.

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 25 of the Ancient Monument and Archaeological Sites and Remains Act, 1958, (24 of 1958), the Central Government hereby directs that the said antiquity shall not be moved from the place where it is without the written permission of the Director General of Archaeology.

THE SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Description of antiquity	Ownership	Remarks
1	Delhi. . .		Delhi	National Museum, New Delhi.	A rectangular panel from Bharhut depicting the relics of Buddha being carried on elephants after the division of relics. It is in two fragments. Size of left-hand piece: $48\frac{3}{4}'' \times 11\frac{1}{2}''$. Size of right-hand piece: $52\frac{1}{4} \times 11\frac{1}{2}''$	Shri B. P. Sharma, 34, South Patel Nagar, New Delhi.	The panel for the purchase of which the National Museum is negotiating, is said to have been purchased by Shri B. P. Sharma from Shri Urmila Pratap Singh, now residing in the Garhi at Bhatnawara Tehsil Nagod, District Satna, Madhya Pradesh.

[No F. 8-20/66-C2.]

A. S. TALWAR, Under Secy.

New Delhi, the 2nd August 1966

S.O. 2408.—In exercise of the powers conferred by Clause (b) of Sub-Section (2) of Section 5 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby reappoints, with immediate effect Shri P. N. Kirpal, Secretary, Ministry of Education, Government of India, as a member of the University Grants Commission for a term of six years or till he continues to hold his present office, whichever is earlier.

[No. F. 9-34/66-U2.]

G. K. CHANDIRAMANI, Addl. Secy.

ARCHAEOLOGY

New Delhi, the 4th August 1966

S.O. 2409.—Whereas the Central Government is of opinion that the ancient and historical monument specified in the Schedule to this notification has ceased to be of national importance.

Now, therefore, in exercise of the powers conferred by section 35 of the Ancient Monuments and Archaeological Sites and Remains, Act, 1958 (24 of 1958), the Central Government hereby declares that the monument aforesaid has ceased to be of national importance for the purposes of the said Act.

THE SCHEDULE

Sl. No.	State	District	Locality	Name of the monument	Protection, notification No. and date (i) Preliminary (ii) Confirmatory (iii) Subsequent if any
1	Delhi	Delhi	Ridge	Hindu Rao's House	(i) DL 7911 Edu., dated 23-10-1913. (ii) DL 9058 Edu., dated 11-12-1913 Chief Commissioner, Delhi.

[No. F 4-22/66 C 1]

SHARDA RAO (MRS.)
Assistant Educational Adviser.

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 4th August 1966

S.O. 2410.—Notice under Section 10(1) of Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that

(a) a draft of the zonal development plan for each of the following zones:—

(i) A-7 (Motia Khan),

(ii) B-3 (New & Old Rajinder Nagar),

(iii) C-16 (Vijay Nagar), C-17 (Rana Pratap Bagh),

(iv) D-7 (Purana Qila)

(v) D-15 (Lodi Road) and D-16 (Dayal Singh College—Wireless Station). has been prepared; and

(b) a copy thereof will be available for inspection at the following offices between the hours of 11 a.m. and 3 p.m. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter:—

(1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, I.P. Estate, New Delhi.

(2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi.

(3) Office of the Delhi Municipal Corporation, Town Hall, Delhi-6; and

(4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.

3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, "D" Block, New Delhi by the 12th September, 1966.

Any person making an objection or suggestion should also give his name and address.

[No. F. 4(20)/66-W.D.]

B. C. SARKAR, Addl. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 23rd July 1966

S.O. 2411.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri C. A. Vasudevan after consultation with the Central Board of Film Censors as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/65-FC.]

KARTAR SINGH, Under Secy.

New Delhi, the 27th July 1966

S.O. 2412.—In exercise of the powers conferred by rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to appoint Shri V. S. Shroff, as Secretary to the Chairman, Central Board of Film Censors with effect from the afternoon of 2nd July, 1966, on relinquishment of charge of the post of Additional Regional Officer, Central Board of Film Censors.

[No. 2/30/66-FC.]

ORDERS

New Delhi, the 1st August 1966

S. O. 2413 —In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film
1	2	3	4	5	6
1	Maharashtra News No. 169 (Marathi and Hindi)	289M	Director of Publicity, Govt. of Maharashtra, Bombay		Film dealing with news and current events (For release in Maharashtra Circuit only).
2	Pikte Tasa Vikte Part I (Marathi	230M	Do.		Film intended for educational purposes (For release in Maharashtra Circuit only).
3	Pikte Tasa Vikte Part II (Marathi)	293M	Do.		Do.
4	Kaveencha Kavi-Keshavsut (Marathi).	370M	Do.		Do.

[No. F. (24/1/66-FP App. 1113]

S. O. 2414.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati version to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Mahitichitra No. 68.	289M	Director of Information, Government of Gujarat, Ahmedabad.		Film dealing with news and current events (For release in Gujarat Circuit only).
2	Mahitichitra No. 69.	263M	Do.		Do.

[No. F. 24/1/66-FP App. 1114.]

S. O. 2415.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approve the film specified in column 2 of the Second Schedule annexed hereto in Hindi version to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

Sub-Section (4) of Section 5 of the Uttar Pradesh Cinemas (Regulation) Act, 1955 (Uttar Pradesh Act No. 3 of 1956).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Veer Spoot (Hindi).	282·55M	Director of Information, Government of Uttar Pradesh, Lucknow.		Film intended for educational purposes (For release in U.P. Circuit only).

[No. F. 24/1/66-FP App. 1115.]

B. GHOSE, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 6th August 1966

S.O. 2416.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960 and in supersession of previous notification dated 18th April 1966, the Director-General Posts and Telegraphs, hereby specifies the 8th May 1966 as the date on which the Measured Rate System came in force in Shahjahanpur Telephone Exchange.

[No. 5-24/66-PHB.]

D. R. BAHL,
Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 6 अगस्त 1966

वि० आ० 2417—सांविधिक आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू की गई भारतीय तार नियमावली 1951 के नियम 434 के खण्ड III के पैरा (क) का अनुसरण करते हुए तथा दिनांक 18 अप्रैल, 1966 की पिछली अधिसूचना का अधिक्रमण करते हुए, डाक-तार महानिदेशक इसके द्वारा यह अधिसूचित करते हैं कि शाहजहानपुर टेलीफोन केन्द्र में प्रमापित दर प्रणाली दिनांक 8 मई 1966 को लागू की गई।

[सं० 5-24/66-पी० एच० बी०]

डी० आर० बहल,
सहायक महानिदेशक (पी०एच०बी०)

MINISTRY OF INDUSTRY

ORDER

New Delhi, the 2nd August 1966

S.O. 2418.—IDRA/6/66.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints till the 20th March 1968, S/Shri M. R. Krishna and Dinen Bhattacharya, M.Ps., to be members of the Development Council established by the Order of the Government of India in the Ministry of Industry No. S.O. 940, dated the 21st March, 1966, for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors and Earth-moving Equipment and Internal Combustion Engines, and directs that the following amendments shall be made in the said order, namely:—

In the said order:—

(i) for the name "Shri K. N. Talwar" in entry No. 11, the name "Shri W. N. Talwar" shall be substituted.

(ii) for the name, "Shri Lodd" in entry No. 25, the name, "Shri S. G. Laud" shall be substituted.

(iii) for entry No. 27, relating to Shri H. C. Mathur, M.P., following entry shall be substituted, namely:—

27 Shri M. R. Krishna, M.P., 7, Ferozshah Road, New Delhi-1.

(iv) The following entry shall be added as entry No. 30, namely:—

30 Shri Dinen Bhattacharya M.P., General Secretary, Hindustan Motor Works Union, Battola Lane, P.O. Bhadrakali, Hooghly, W. Bengal.

[No. 1(93)/65-A.E.Ind.(I).]

S. R. KAPUR, Under Secy

(Indian Standards Institution)

New Delhi, the 28th July 1966

S.O. 2419—In pursuance of sub-regulation (2) and (3) of regulation 3 of the Indian Standard Institution (Certification Marks) Regulations, 1955, the Indian Standard Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 July to 15 July 1966.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard Established	No. and Title of the Indian Standard or standards if any superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:436 (Part II)—1965 Methods for sampling of coal and coke Part II sampling of coke (*revised*).	IS:436-1953 Methods for sampling of coal and coke (*tentative*)	This standard prescribes the methods for sampling of coke from normal consignments. (Price Rs 2·50)
2	IS:959-1966 Specification for electric soldering irons (*revised*)	IS:959-1958 Specification for electric soldering irons	This standard covers the requirements and methods of test for electrically heated soldering irons designed for connection to supplies at voltages not exceedings 250 v, ac single phase 50 c/s or dc. (Price Rs. 2·50).
3	IS 1167-1965 Specification for casein (edible quality (*revised*)	IS:1167—1957 Specification for edible casein,	This standard prescribes the requirements and the methods of test for casein of edible quality. (Price Rs. 5·00
4	IS:1658-1966 Specification for fibre hardboards (*revised*)	IS 1658-1960 Specification for fibre hardboards	This standard covers the essential requirements of fibre hardboards for general purposes. (Price Rs 3·00).
5	IS:2786-1965 Specification for ceramic dielectric capacitors, type II.	..	This standard prescribes the requirements and methods of tests for judging the mechanical electrical and climatic properties of ceramic dielectic capacitors, intended for use in electronic and telecommunication equipment. Capacitors for radio frequency currents exceeding 1 A and those for reactive power exceeding 10 var are not covered by this standard. (Price 5·00)
6	IS:2835-1965 Specification for transparent sheet glass (selected quality).	..	This standard prescribes the requirements and methods of sampling and test for transparent sheet glass of selected quality intended to be used for the manufacture of safety glass and silvered glass mirrors. (Price 2·50).

(1)	(2)	(3)	(4)
7	IS:3267-1965 General requirements for anchors	..	This standard lays down the general requirements for anchors for ships' use and harbour use. (Price Rs 3·00)
8	IS:3329-1965 Specification for gents' cotton socks (made on hand-driven machines)	..	This standard prescribes the constructional details and other particulars of scoured, bleached or dyed, seamless gents' cotton socks knitted in plain, rib or fancy stitches on hand-driven machines. (Price Rs 4·00)
9	IS:3395-1965 Specification for low density polyethylene materials for moulding and extrusion	..	This standard prescribes the requirements and the methods of sampling and test for low density polyethylene moulding and extrusion materials of density varying from 0·915 to 0·925 g/ml at 23°C and having melt flow index not exceeding 70. (Price Rs 2·00)
10	IS:3412-1965 Specification for electric water boilers	..	This standard covers the requirements and methods of test for electric water boilers of rated loading not exceeding 5·0 kW and for connection to supplies at voltages not exceeding 250 V, ac single-phase 50 c/s or dc. (Price Rs 2·50)
11	IS:3416-1966 Method for quantitative chemical analysis of mixtures of polyester fibres with cotton or regenerated cellulose.	..	This standard prescribes a method for quantitative chemicals analysis of mixture of polyester fibres and cotton or regenerated cellulose fibre in any form, suh as fibre, yarn or fabric. (Price Rs 1·50)
12	IS:3423-1965 Specification for glass containers for transfusion fluids		This standard covers the requirements and the methods of sampling and test for glass containers meant for use with transfusion equipment for medical use. (Price Rs 2·50)
13	IS:3437-1966 General requirements for electronic voltmeters (Pointer indicator type)	..	This standard lays down the general requirements and the characteristics to be specified of direct reading, pointer indicator type electronic voltmeters for measurements of direct and/or alternating voltages. (Price Rs. 2·50)
14	IS:3459-1966 Specification for small wire ropes	..	This standard covers small wire ropes of 2 to 7 mm diameter and of right hand ordinary lay for general engineering purposes. The following constructions have been covered : 6×7 6×12 6×19 6×24 (Price Rs. 2·00)

(1)	(2)	(3)	(4)
15	IS:3478-1966 Specification for high density wood particle boards.	..	This standard covers the requirements of high density wood particle boards in flat sheet or moulded forms. (Price Rs 2·00)
16	IS:3481-1966 Specification for electric portable lamp stands and brackets	..	This standard applies to electric portable lamp stands and brackets for use on supply voltages not exceeding 250 volts, ac or dc. (Price Rs 2·50)
17	IS:3482-1966 Specification for electric saucepans	..	This standard covers the requirements and methods of tests for electrically heated saucepans designed for connection to supplies at voltages not exceeding 250 V, ac, single phase 50 c/s, or dc. (Price 2·50)
18	IS:3489-1966 Specification for enamelled steel bath tubs	..	This standard covers vitreous enamelled sheet steel bath tubs having a capacity of not more than 200 litres to the invert of the overflow. (Price 2·50)
19	IS:3495-1966 Method of sampling and testing clay building bricks.	..	This standard covers the methods of sampling and testing solid and perforated clay bricks. (Price Rs 2·00).
20	IS:3497-1966 Specification for metal wardrobes (adjustable type)	..	This standard covers the requirements for materials, sizes construction and finish of metal wardrobes with or without the provisions of a locker. (Price Rs 1·50)
21	IS:3498-1966 Specification for metal tables (office type)	..	This standard covers requirements of materials, construction and finish of office type metal tables. (Price Rs 1·50).
22	IS:3500-1966 Specification for mango chutney	..	This standard prescribes the requirements and methods of test for mango chutney. (Price Rs. 3·00)
23	IS:3501-1966 Specification for pickles	..	This standard prescribes the requirements and method of test for pickles. (Price Rs 2·50)
24	IS:3504-1965 Specification for thymol		This standard prescribes the requirements and the methods for sampling and test for thymol. (Price Rs. 1·50)
25	IS:3512-1966 Specification for toolmakers' straightedges	..	This specification covers the requirements of toolmakers straightedges of short length, from 15 mm to 300 mm, intended for very accurate work, and having one working edge, which is bevelled and very slightly rounded off (commonly known as a 'knife-edge'). (Price Re 1·00)

(1)	(2)	(3)	(4)
26	IS:3513 (Part II)-1966 Specification for high and medium density wood-based laminates (compreg) part II chemical purposes	..	This standard covers requirements for high and medium density wood-based laminates (compreg) for use in chemical industry. (Price Rs 3·00)
27	IS:3540E-1966 Specification for barium potassium chromate for paints	..	This emergency standard prescribes the requirements and the methods of sampling and test for barium potassium chromate intended for use as a rust inhibitive pigment in anti-corresive formulations. (Price Rs 1·50)
28	IS:3541-1966 Code of practice for manufacture of 14 and lower carat gold alloys	..	This standard lays down the procedure for selection of the metals, technique of melting and mixing them, and also the procedure for heat treatment of 14 and lower carat gold alloys. (Price Re 1·00)
29	IS:3564-1966 Specification for door closers (hydraulically regulated)	..	This standard covers the requirements for exposed type hydraulically regulated door closers for vertical hinge type doors opening to one side only and weighing not more than 80 kg. (Price Rs 1·50)

Copies of these Indian Standard are available, for sale, with the Indian Standards Institution Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (*i*) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (*ii*) Third and Fourth Floors, 5 ChoWringhee Approach Calcutta-13, (*iii*) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (*iv*) 117/418-B Sarvodaya Nagar Kanpur.

[No. MD/13:2.]

S. O. 2420.—In pursuance of the provisions of sub-rule (2) of Rule 3 of the Indian Standards Institution (Certification Marks), Rules, 1955, the Indian Standards Institution hereby notifies that the Indian standards particulars of which are given in the Schedule hereto annexed have been established during the quarter ending 30 June 1966.

THE SCHEDULE

Sl. No.	No. of Indian Standard	Title of Indian Standard
1.	IS: 131-1965	Specification for ready mixed paint, spraying, finishing, for railway under-frames, black (*revised*)
2.	IS: 177-1965	Specification for cotton drills (*revised*)
3.	IS: 178-1965	Specification for cotton twills (*revised*)
4.	IS: 179-1965	Specification for dosuti (*revised*)
5.	IS:180-1965	Specification for cotton sheetings (*revised*)
6.	IS: 182-1965	Specification for mazri (*revised*)
7.	IS: 186-1965	Specification for mulls (*revised*)
8.	IS: 187-1965	Specification for long cloth (*revised*)
9.	IS: 188-1965	Specification for cotton poplins (*revised*)
10.	IS: 196-1966	Atmospheric conditions for testing (*revised*)
11.	IS: 202-1966	Specification for aluminium casting alloy ingots and castings for aircraft purposes (*second revision*)

Sl. No.	No. of Indian Standard	Title of Indian Standard
12.	IS: 263-1964	Specification for boric acid (*second revision*).
13.	IS: 417-1965	Specification for footballs, volleyballs, basketballs and water polo balls (*revised*).
14.	IS: 427-1965	Specification for distemper, dry, colour as required (*revised*).
15.	IS: 566-1965	Specification for disodium phosphate, dodecahydrate (*revised*).
16.	IS: 615-1966	Minimum requirements of domestic radio receivers (*revised*).
17.	IS: 620-1965	Specification for general requirements for wooden tool handles (*second revision*).
18.	IS: 693-1965	Specification for varnished cambric insulated cables (*revised*).
19.	IS: 765-1966	Method for determination of colour fastness of textile materials to washing; test 4 (*revised*).
20.	IS: 902-1965	Specification for suction hose couplings for fire fighting purpose (*revised*).
21.	IS: 909-1965	Specification for underground fire hydrant, sluice-valve type.
22.	IS: 922-1965	Specification for cook's knives (*revised*).
23.	IS: 924-1965	Specification for bread knives (*revised*).
24.	IS: 1729-1964	Specification for sand cast iron spigot and socket soil, waste and ventilating pipes, fittings and accessories.
25.	IS:1871-1965	Commentary on Indian Standard wrought steels for general engineering purposes (complementary to IS: 1570-1961).
26.	IS: 1971-1965	Specification for single-barrel stirrup-pump (*revised*).
27.	IS: 2082-1965	Specification for storage type automatic electric water heaters (*revised*).
28.	IS: 2116-1965	Specification for sand for masonry mortars.
29.	IS: 2553-1964	Specification for safety glass (*revised*).
30.	IS: 2720 (Part II)-1964	Methods of test for soils Part II determination of moisture content.
31.	IS: 2720 (Part XIII)-1965	Methods of test for soils Part XIII direct shear test.
32.	IS: 2756-1965	Method for estimating the average grain size of wrought copper and copper base alloys.
33.	IS: 2866-1965	Method for Vickers hardness test for copper and copper alloys.
34.	IS: 2899-1965	Method for determination of percentage of medullated fibres in wool.
35.	IS:2951 (Part II)-1965	Recommendations for estimation of flow of liquids in closed conduits. Part II head loss in valves and fittings.
36.	IS: 2953-1964	Glossary of terms used in radiographic inspection of castings.
37.	IS: 2972 (Part III)-1965	Specification for textile motors—Part III spinning frame motors.
38.	IS: 3014-1965	Specification for ferro niobium (ferro columbium).
39.	IS: 3050-1965	Code of practice for reinforced binding of library books and periodicals.
40.	IS: 3054-1965	Method for brinell hardness test for copper and copper alloys.
41.	IS:3069-1965	Glossary of terms, symbols and units relating to thermal insulation materials.
42.	IS: 3077-1965	Specification for roasted and ground coffee.
43.	IS:3095-1965	Specification for solders for use in goldware.
44.	IS: 3096-1965	Specification for fine grade palladium
45.	IS: 3114-1965	Code of pratice or laying of cast iron pipes.
46.	IS: 3116-1965	Specification for sealing compound for lead-acid batteries.
47.	IS: 3121-1965	Specification for rigging screws and stretching screws.
48.	IS: 3134-1965	Specification for menthol.
49.	IS: 3147-1965	Specification for oil of drill.
50.	IS: 3159-1965	Specification for camp stoves.
51.	IS: 3160-1965	Specification for *tur chuni*.
52.	IS: 3187-1965	Methods of chemical analysis of copper-nickel-zinc alloys.
53.	IS: 3194-1965	Code of recommended practice for cleaning of metals prior of electroplating.
54.	IS: 3195-1965	Specification for seel for the manufacture of volute and helical springs (for railway rolling stock).
55.	IS:3201-1965	Criteria for the design and construction of precast concretetrusses.
56.	IS: 3202-1965	Code of practice for climate proofing of electrical equipment.
57.	IS: 3203-1965	Methods of testing local thickness of electroplated coatings.
58.	IS: 3206-1965	Specification for engineers' drawing instruments, dividers.
59.	IS: 3207-1965	Specification for engineers' drawing instruments, rotating compasses.

Sl. No.	No. of Indian Standard	Title of Indian Standard
60.	IS: 3208-1965	Specification for engineers' drawing instruments, half set of compasses.
61.	IS: 3209-1965	Specification for engineers' drawing instruments, spring bow compasses.
62.	IS: 3210-1965	Specification for engineers' drawing instruments, drawing pens.
63.	IS: 3211-1965	Specification for engineers' drawing instruments, pen points.
64.	IS: 3212-1965	Specification for engineers' drawing instruments, lengthening bars.
65.	IS: 3214-1965	Specification for engineers' drawing instruments, pencil points.
66.	IS: 3215-1965	Specification for engineers' drawing instruments, needle points.
67.	IS: 3216-1965	Specification for engineers' drawing instruments, needles.
68.	IS: 3217-1965	Specification for engineers' drawing instruments, prickers.
69.	IS: 3232-1965	Recommendations on graphical symbols for process flow diagrams.
70.	IS: 3233-1965	Glossary of terms for safety and relief valves and their parts.
71.	IS: 3237-1965	Specification for hypodermic syringes for insulin and tuberculin injections.
72.	IS: 3238-1965	Dimension of hypodermic syringes, interchangeable type.
73.	IS: 3245-1965	Specification for canned peas.
74.	IS: 3246-1965	Specification for canned okra (*bhindi*).
75.	IS: 3248-1965	Specification for canned tomatoes
76.	IS: 3266-1965	Specification for electroplated coatings of gold for general engineering purposes.
77.	IS: 3279-1965	General requirements for mushroom ventilators.
78.	IS : 3281-1966	Dimensions for mushroom ventilators with fixed head-welded type.
79.	IS : 3282-1966	Dimensions for mushroom ventilators with adjustable head-cast iron type.
80.	IS : 3283-1966	Dimensions for mushroom ventilators with adjustable head-cast iron type with provision of passage for light.
81.	IS : 3284-1965	Specification for organo mercurial dry seed-dressing formations.
82.	IS : 3289-1965	Tests and eneral requirements for audio frequency transformers and chokes.
83.	IS : 3298-1965	Specification for mild steel rivet bars for ship building.
84.	IS : 3306-1965	Tolerance limits for industrial effluents discharged into public sewers.
85.	IS : 3317-1965	Specification for needles, hypodermic.
86.	IS : 3318-1965	General requirements for surgical scalpels and knives.
87.	IS : 3320-1965	Specification for surgical scalpels.
88.	IS : 3322-1965	Specification for PVC-coated fabrics for foul weather clothing.
89.	IS : 3337-1965	Specification for *ballies* for general purposes.
90.	IS : 3357-1965	Specification for matka silk fabric.
91.	IS : 3362-1965	Code of practice for natural ventilation of residential buildings.
92.	IS : 3369-1965	Specification for puddler, animal drawn.
93.	IS : 3372-1965	Specification for bund former.
94.	IS : 3373 (Part I)-1965	Specification for wirewound resistors, Type II Part I tests and general requirements.
95.	IS : 3374-1965	Specification for preformed galvanized steel wire ropes for aircraft controls.
96.	IS : 3375-1965	Specification for bobbin cases for sewing machines for household purposes.
97.	IS : 3376-1965	Specification for groundnut seeds.
98.	IS : 3377-1965	Specification for sesamum seeds.
99.	IS : 3378-1965	Specification for castor seeds.
100.	IS : 3379-1965	Specification for safflower seeds.
101.	IS : 3380-1965	Specification for tobacco seeds.
102.	IS : 3381-1965	Specification for cast vertical bollards with and without lugs.
103.	IS : 3385 (Part I)-1965	Code of practice for measurement of civil engineering work Part I pile foundations.
104.	IS : 3387-1965	Specification for toothbrush.
105.	IS : 3389-1965	Specification for urea-formaldehyde moulding materials.
106.	IS : 3390-1965	Specification for sphygmomanometers, mercurial.
107.	IS : 3391-1965	Specification for stethoscopes.

Sl. No.	No. of Indian Standard	Title of Indian Standard
108.	IS : 3394-1965	Method for accelerated life test of electrical resistance alloys for heating elements.
109.	IS : 3398-1965	Specification for oil of patchouli.
110.	IS : 3402-1965	Specification for cadmium copper conductors for overhead railway traction.
111.	IS : 3403-1966	Dimensions for knurling.
112.	IS : 3404-1966	Specification for ladies bicycle frames.
113.	IS : 3405-1966	Test chart for power hacksaw machines (upto 300 mm round bar capacity).
114.	IS : 3406-1966	Dimensions for countersinks and counterbores.
115.	IS : 3408-1965	Method for non-interrupted creep testing of steel at elevated temperatures.
116.	IS : 3410-1965	Method of test for determining co-efficient of linear expansion of metals at different temperature ranges.
117.	IS : 3411-1966	Specification for stainless steel cooking utensils.
118.	IS : 3424-1966	Specification for stainless steel table utensils.
119.	IS : 3426-1966	Method for determination of colour fastness of textile materials to rubbing with organic solvents.
120.	IS : 3428-1966	Dimensions for relief grooves.
121.	IS : 3429-1966	Method for determination of solutbility of wool in alkali.
122.	IS : 3430-1966	Method for determination of solubility of wool in urea-bi-sulphite solution.
123.	IS : 3431-1965	Specification for steel for volute, helical and laminated springs for automotive suspension.
124.	IS 3433-1965	Specification for oil, mineral colza.
125.	IS : 3436-1966	Specification for aluminium-clad aluminium alloy sheet, strip and coil for aircraft purposes.
126.	IS : 3438-1965	Specification for silvered galss mirrors for general purposes.
127.	IS : 3440-1966	Specification for solvent extracted linseed oilcake (meal) as livestock feed.
128.	IS 3443-1966	Specification for Crane rail sections.
129.	IS : 3444-1966	Specification for corrosion resistant steel castings.
130.	IS : 3445-1966	Specification for forged steel rolls.
131.	IS : 3446-1966	Specification for leather aprons for drafting systems.
132.	IS : 3447-1965	Specification for shellac jointing or gasket compound.
133.	IS : 3448-1965	Specification for rice bran oil.
134.	IS : 3450-1966	Speification for carbon papers, handwriting.
135.	IS : 3453-1966	Code of practice for construction of hexagonal type concrete-*cum* masonry bins for bulk storage of foodgrains.
136.	IS : 3458-1965	Tapers for general engineering purposes.
137.	IS : 3461-1966	Specification for PVC (vinyl) asbestos floor titles.
138.	IS : 3467-1966	Specification for wheel hand hoe.
139.	IS : 3479-1966	General requirements for steel drop, upset and press forgings.
140.	IS 3483-1965	Code of practice for noise reduction in industrial buildings.
141.	IS 3491-1966	Specification for safflower oil.
142.	IS : 3494-1966	Specification for pruning secateur.
143.	IS : 3496-1966	Specification for dobby lags and pege.

[No. MD/13:30.]

S.O. 2421.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks) Rules 1955, the Indian Standards Institution, hereby, notifies that IND/SL/7061(b) Defence Specification for desiccant and desiccant with indicator has been recognized as IS:3401-1966 Indian standard specification for desiccant silica during the quarter ending 30 June 1966.

[No. MD/13:3.]

New Delhi, the 2nd August 1966

S.O. 2422.—In licence No. CM/L-1229, dated 23 March 1966, held by M/s. Dhanpat Mal Jawala Das Feed Mills of 33, Najafgarh Industrial Area, New Delhi-15 (factory under the style of Nandi Provender Mills), the details of which

are published under S.O. 1263 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 23rd April 1966, the list of articles has been revised as under with effect from 16 June 1966:

Poultry Feeds, Starting, Growing and Laying; 'Nandi Brand'.

[No. MD/12:2033.]

S.O. 2423.—In licence No. CM/L-1210, dated 15 February 1966 held by M/s. Annapurna Biscuits (Mfg.) Co., 84/67, G.T. Road, Kanpur the details of which are published under S.O. 851 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 19 March 1966, the following additional varieties of biscuits have been added with effect from 1 July 1966:

(i) Royal Special Cream.

(ii) Maltine.

(iii) Banbury.

(iv) Energy.

(v) Thin Arrowroot.

[No. MD/12:1436.]

S.O. 2424.—The Certification Marks licences, details of which are given hereafter, have lapsed or their renewal deferred:—

Serial No.	Licence No. and Date	Licensee's Name and Address	Article and the Indian Standard Number	Gazette Notification Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-194 30-5-1960	Enco Plywood & Sawmill Industries, Siliguri, Distt. Darjeeling, (West Bengal).	Plywood for general purposes—IS: 303-1960.	S.O. 1465 11-6-1960	Lapsed after 15-6-1966.
2	CM/L-522 27-3-1963	Standard Industrial & Commercial Corpn. Ltd., 24, Chittaranjan Avenue, Calcutta.	Tea-chest plywood panels—IS: 10-1964.	S.O. 1145 20-4-1963	Deferred after 30-6-1966.
3	CM/L-541 20-5-1963	Hind Cycles Ltd., 250 Worli, Bombay.	Bicycle rims of 28×1½ mm size only—IS:624-1961	S.O. 1654 15-6-1963	Lapsed after 15-6-1966.
4	CML/-542 20-5-1963	Rajasthan Heavy Chemicals, Jhotware Industrial Area, Jaipur West, Jaipur (Rajasthan).	Napthalene—IS:539-1955.	SO. 1654 15-6-1963	Lapsed after 15-6-1966.
5	CM/L-626 14-2-1964	Anand & Co., A-4, Industrial Estate Basis. Godam, Jaipur South, Jaipur, (Rajasthan).	Rolled oats (quick-cooking type) IS: 1484-1959.	S.O. 943 21-3-1964	Renewal of this licence was deferred after 15-3-1966. It has now to be treated as lapsed from that date.
6	CM/L-674 18-5-1964	K.T. Rolling Mills Pvt. Ltd., Broach Street, Dana Bunder, Bombay.	Structural steel (standard quality) —IS: 226-1962.	S.O. 2173 20-6-1964	Lapsed after 15-6-1966.
7	CM/L-675 18-5-1964	K.T. Rolling Mills Pvt. Ltd., Broach Street, Dana Bunder, Bombay.	Structural steel (ordinary quality) —IS: 1977-1962.	S.O. 2173 20-6-1964	Lapsed after 15-6-1966.
8	CM/L-687 17-6-1964	Ramkrishan Kulwant Raj, Prithvi Insurance Building, 15/16, Kondi Chetty Street, Madras.	Structural steel (standard quality)—IS: 226-1962.	S.O. 2590 1-8-1964	Lapsed after 30-6-1966.
9	CM/L-688 17-6-1964	Shree Maharaja Steel Mills Pvt. Ltd., Kapurthala (Punjab).	Structural steel (standard quality)—IS : 226-1962.	S.O. 2590 1-8-1964	Deferred after 30-6-1966.
10	CM/L-689 17-6-1964	Shree Maharaja Steel Mills Pvt. Ltd., Kapurthala (Punjab).	Structural steel (ordinary quality)—IS : 1977-1962.	S.O. 2590 1-8-1964	Deferred after 30-6-1966.
11	CM/L-690 17-6-1964	Delhi Iron & Steel Co., G.T. Road, Ghaziabad (U.P.).	Structural steel (Standard quality)—IS : 226-1962.	S.O. 2590 1-8-1964	Lapsed after 30-6-1966.
12	CM/L-691 17-6-1964	Delhi Iron & Steel Co., G.T. Road, Ghaziabad (U.P.).	Structural steel (ordinary quality)—IS : 1977-1962.	S.O. 2590 1-8-1964	Lapsed after 30-6-1966.
13	CM/L-819 30-10-1964	Shri Dhanalakshmi Sago Factory Mamagiripet, Rasipuram Taluk, Salem-2 (Madras State).	Sago (saboodana)—IS: 899-1956.	S.O. 4038 28-11-1964	Renewal of this licence was deferred after 15-11-1965. It has now to be treated as lapsed after that date.

(1)	(2)	(3)	(4)	(5)	(6)
14	CM/L-1075 26-5-1965	Clive Mills Co. Ltd., 43/1, Garden Reach Road, Calcutta.	Jute hessian—IS: 2818-1964.	S.O. 2132 3-7-1965	Lapsed after 15-6-1966.
15	CM/L-1076 26-5-1965	Clive Mills Co. Ltd., 43/1, Garden Reach Road, Calcutta.	(*i*) A twill jute bags—IS : 1943-1964 (*ii*) Heavy cee jute bags—IS: 2874-1964 and (*iii*) Jute corn sacks—IS : 2875-1964.	S.O. 2132 3-7-1965	Lapsed after 15-6-1966.
16	CM/L-1077 27-5-1965	Howrah Light Casting Co. P. Ltd., 74 Benaras Road, Howarh (West Bengal).	Sluice valves for water works purpose (inside screw non-rising spindle type) Class 1 and 2 all sizes—IS : 780-1963.	S.O. 2132 3-7-1965	Lapsed after 15-6-1966.
17	CM/L-1081 1-6-1965	J. K. Iron & Co. Ltd., Kalpi Road, Kanpur.	Mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement—IS : 432-1960.	S.O. 2403 31-7-1965	Lapsed after 15-6-1966.
18	CM/L-1082 1-6-1965	J.K. Iron & Steel Co. Ltd., Kalpi Road, Kanpur.	Structural steel (high tensile)—IS: 1961-1962.	S.O. 2403 31-7-1965	Lapsed after 15-6-1966.
19	CM/L-1083 1-6-1965	J. K. Iron & Steel Co. Ltd., Kalpi Road, Kanpur.	Hot rolled steel strips (baling)—IS:1029-1956.	S.O. 2403 31-7-1965	Lapsed after 15-6-1966.
20	CM/L-1089 1-6-1965	Delhi Iron & Steel Co. (P) Ltd., G. T. Road, Ghaziabad (U.P.).	Mild steel and medium tensile steel bars and hard-drawn steel wire for concrete reinforcement—IS : 432-1960.	S.O. 2403 31-7-1965	Lapsed after 15-6-1966.
21	CM/L-1092 3-6-1965	The National Foundry & Rolling Mills Ltd., Naya Bazar, Cuttack.	Structural steel (standard quality)—IS : 226-1962.	S.O. 2403 31-7-1965	Deferred after 15-6-1966.
22	CM/L-1093 3-6-1965	The National Foundry & Rolling Mills, Ltd., Naya Bazar, Cuttack.	Structural steel (ordinary quality)—IS : 1977-1962.	S.O. 2403 31-7-1965	Deferred after 15-6-1966.
23	CM/L-1098 15-6-1965	Kumar Iron & Steel Ltd., Zoo Road, Gauhati (Assam).	Structural steel (standard quality)—IS : 226-1962.	S.O. 2403 31-7-1965	Deferred after 30-6-1966.
24	CM/L-1099 15-6-1965	Kumar Iron & Steel Ltd., Zoo Road, Gauhati (Assam).	Structural steel (ordinary quality)—IS : 1977-1962.	S.O. 2403 31-7-1965	Deferred after 30-6-1966.
25	CM/L-1102 18-6-1965	East Asiatic Co., (India) Pvt. Ltd., (Oil & Soap Industries), 18 Elaiya Mudali Street, Tondiarpet, Madras.	Balanced feed mixture for cattle IS : 2052-1962.	S.O. 2403 31-7-1965	Deferred after 30-6-1966.

[No. MD/33:16/C.]

New Delhi , the 3rd August 1966

S.O. 2425—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee (s) per unit for various Products, details of which are given in the schedule hereto annexed, have been determined and the fee (s) shall come into force with effect from the dates shown against each.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Copper plates sheet and strip for industrial purposes.	IS:1972--1961 Specification for copper plate sheet and strip for industrial purposes.	One Tonne	Rs. 5·00	16 Aug., 1966.
2	Integral cement waterprofing compounds	IS:2645—1964 Specification for inter-gral cement waterproofing compounds.	One Tonne	Rs. 2·00	1 Aug., 1966.

[No. MD/18:2.]

S.O. 2426.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks(s) design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Marks(s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from the dates shown against each.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of Effect.
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:1972 	Copper plate sheet and strip for industrial purposes.	IS:1972—1961 Specification for copper plate sheet and strip for industrial purposes.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Aug., 1966.
2	IS:2645 	Integral cement waterproofing compounds.	IS: 2645—1964 Specification for integral cement waterproofing compounds.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 Aug., 1966.

[No. MD/17:2.]

New Delhi, the 4th August **1966**

S.O. 2427.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institutions hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title (s) of the relevant Indian Stndard(s)/are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with effect from the dates shown against each:

THE SCHEDULE

Serial No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of Effect.
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:1658 ISI	Fibre hardboards	IS: 1658-1960 Specification for fibre hardboards	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2) the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 Aug., 1966
2	IS:1822 ISI	Motor starters of voltage up to 650 volts	IS: 1822-1961 Specification of motor starters of voltage up to 650 volts	The monograms of the Indian Standard Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2) the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 Aug 1966

[No. MD/172.]

S.O. 2428.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various Products details of which are given in the Schedule hereto annexed, have determined and the fees(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Serial No.	Products/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Fibre hardboards	IS: 1658-1960 Specification for fibre hardboards	One metric tonne	20 Paise	1 August 1966
2	Motor starters of voltage up to 650 volts	IS: 1822-1961 Specification for motor starters of voltage upto 650 volts	One starter	30 Paise	16 August 1966

[No. MD/18:2]

ERRATA

New Delhi, the 3rd August 1966

S.O. 2429.—In the Ministry of Industry (Indian Standards Institution) Notifications published in the Gazettes of India, Part II, Section 3(ii), the following corrections be made:

1. *Gazette dated* 5 *March* 1966

S.O. 664 *dated* 22 *February* 1966, *Schedule*:

(i) S. No. 26, col. 4—The words 'requirements and the methods' shall be added after the first line.

(ii) S. No. 45, col. 4, line 1—*Read* 'general' *for* 'genera'.

2. *Gazette dated* 9 *April* 1966

S.O. 1081 *dated* 25 *March* 1966, *Schedule*:

(i) S. No. 31 and 40—Delete the matter under col. 3.

(ii) S. No. 50, col. 4, line 5—*Read* '27°C' *for* '27C', and 'Price Rs. 4.00' *for* 'Price R. 4.00'.

(iii) S. No. 77, col. 2, lines 2 and 3—Insert a 'hyphen' between the letter 'B' and the word 'oxynaphthoic'.

3. *Gazette dated* 16 *April* 1966

S.O. 1170 *dated* 30 *March* 1966, *Schedule*:

S. No. 3, col. 3 and 4—*Read* 'Blockboards' *for* 'Blackboards'.

4. *Gazette dated* 23 *April* 1966

S.O. 1260 *dated* 11 *April* 1966, *Schedule*:

S. No. 1, col. 4, line 2—Insert the word 'powder' after the word 'milk'.

[No. MD/13:2.]

D. V. KARMARKAR,
Dy. Director General (Marks).

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 29th July 1966

S.O. 2430.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Kothagudium Post Office, (Andhra Pradesh), and their workmen which was received by the Central Government on the 23rd July, 1966.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 18/1966

BETWEEN

Workmen of M/s. Singareni Collieries Co. Ltd., Kothagudium.

AND

The Management, M/s Singareni Collieries Co. Ltd., Kothagudium.

AWARD

The Government of India, in its Ministry of Labour, Employment and Rehabilitation, have, by order No. 7/38-65-LRII, dated 9th March 1966, referred this

dispute to me for adjudication. The issue as per the Schedule to the Notification is this:

Whether the demand for grant of typing allowance of rupees fifteen per mensem to Sarvashri A. Suryanarayana and A. Raghunath, Senior Clerks, is justified?

If so, the date or dates from which it should be granted.

The two claimants filed statement of claims. The Management filed its counter. The case stood posted to this day for enquiry.

2. A Memorandum of Settlement dated 14th July 1966 is received today. It is signed by Mr. S. K. Srinivasan, General Secretary, Singareni Collieries Mazdoor Sangh, Kothagudium, on behalf of the two claimants. The signatories on behalf of the Management are Mr. Vasudevan, Deputy General Manager, and Mr. Bhaskarachary, Chief Personnel Officer. Two witnesses have attested it. They are Mr. M. V. Ramakrishnarao and Mr. Phalgunarao. The statement of claims was signed by Mr. S. K. Srinivasan. It was his Sangh that had espoused the cause of the two claimants in the unsuccessful concillation proceedings that preceded the reference. In the statement of claims the claim is for typing allowance at Rs. 15/- per mensem. The Memorandum of Settlement concedes that claim with retrospective effect from 1st April 1963. Thus the Memorandum of Settlement covers the issue in the dispute.

3. In view of the settlement between the parties, an Award is herewith passed in terms of the Memorandum of Settlement dated 14th July 1966, a copy whereof is appended herewith.

Given under my hand and the seal of the Tribunal, this the 18th day of July, 1966.

(Sd.) M. NAJMUDDIN,

Industrial Tribunal.

ANNEXURE

Memorandum of settlement arrived at during the discussions held between the Management of Singareni Collieries Company Ltd., and their Workmen represented by the Singareni Collieries Mazdoor Sangh, on 12th and 14th July, 1966 in the office of the Dy. General Manager, Kothagudium, regarding the Industrial Dispute No. 18/66 relating to the grant of typing allowance to Sri A. Suryanarayana, Sr. Clerk, 'B' Power House and Sri A. Ragunath, Sr. Clerk, Dy. Chief Engineer's Office.

NAMES OF THE PARTIES:

Representing the Management:	*Representing the Workmen*:
(The Singarine Collieries Co. Ltd.)	(The Singareni Collieries Mazdoor Sangh)
1. Sri M. Vasudevan, Dy. General Manager.	
2. Sri N. Bhaskarachary,, Chief Personnel Officer.	1. Sri S. K. Srinivasan, General Secretary.

Short recital of the case

The Singareni Collieries Mazdoor Sangh raised an Industrial Dispute through their letter No. SCMS/V-100/65 dated 20th October 1965, claiming for typing allowance to Sri A. Suryanarayana, Sr. Clerk, 'B' Power House and Sri A. Raghunath, Sr. Clerk, Dy. Chief Engineer's Office, with effect from 1952. This case was discussed during the conciliation proceedings held on 16th December, 1965 which ended in failure. The matter was referred to for adjudication to the Industrial Tribunal by the Government of India through their notification No. 7/38/65/LR.II, dated 9th March 1966 and it was registered as I.D. No 18 of 66. With a view to arrive at an amicable settlement the discussions were again conducted between the management and the Singareni Collieries Mazdoor Sangh

on 12th and 14th July, 1966. As a result of the detained discussions, the parties have agreed to the following terms and conditions:—

Terms of Settlement

1. It is agreed by the management to grant typing allowance of Rs. 15/- p.m. to Sri A. Suryanarayana, Sr. Clerk, 'B' Power House and Sri A. Raghunath, Sr. Clerk, Dy. Chief Engineer's Office, respectively with effect from 1st April, 1963. This allowance will be paid only so long as their services are utilised on typing work.

2. It is agreed by both the management to pay the arrears due to these workmen under this settlement within a period of one month.

3. It is agreed by both the parties to pray the Hon'ble Tribunal to pass an Award in terms of this settlement.

4. The demand of the Singareni Collieries Mazdoor Sangh thus stands fully settled.

Signatures of the parties

Representing the Management:
Sd./- M. VASUDEVAN.
Sd./- N. BHASKARACHARY.

Representing the Workmen:
Sd./- S. K. SRINIVASAN.

Witnesses:
1. Sd./- M. V. RAMAKRISHNARAO.
2. Sd./- G. PHALGUNA RAO.

Dated: 14th July, 1966.

Kothagudium Collieries.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

[No. 7/38/65-LRII.]

ORDER

New Delhi, the 4th August 1966

S.O. 2431.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Post Office Kothagudium Collieries and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Mohammad Najmuddin as the Presiding Officer, with Headquarters at Ramkote, Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether having regard to the nature of the duties performed by Shri Gogu Narasimha Murthy and others in the Belt Section at No. 7 incline, their demand for higer Categories is justified?

If so, from what date?

[No. 7/20/66-LRII.]

H. C. MANGHANI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 1st August 1966

S.O. 2432.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Madras, in the matter of an application under section 33A of the said Act from Shri R. Kuppuswamy, an employee of the Indian Overseas Bank Limited which was received by the Central Government on the 20th July, 1966.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, AT MADRAS

PRESENT:

Sri M. Abdul Azeez, B.A., B.L., Presiding Officer, Central Govt. Labour Court, Madras.

Dated, the 24th day of June, 1966

Application under section 33-A of the Industrial Disputes Act, 1947 in Reference No. 1 of 1960 (National Industrial Tribunal—Bank Disputes—Bombay).

Sri R. Kuppuswamy, C/o. The Indian Overseas Bank Employees' Union, 17 Baker Street, Madras-1.—*Complainant.*

Verses

The Indian Overseas Bank Limited, Central Office, 151, Mount Road, Madras-2. —*Respondent.*

APPEARANCES:

Sri B. R. Dolia, Advocate—*For the Complainant.*

Sri K. S. Naidu, Advocate—*For the Respondent.*

In the matter of Complaint No. 240 of 1961 in Ref. No. 1/1960, pending before the National Industrial Tribunal (Bank Disputes), Bombay-1 received on transfer and renumbered as Complaint No. 11 of 1961 of the Central Government Labour Court, Madras.

REVISED AWARD

This is a complaint under Section 33-A of the I.D. Act by Sri R. Kuppuswami who was employed as a messenger in the Central Office of the Indian Overseas Bank Ltd., Madras on the alleged contravention by the management of the provisions of section 33 of the said Act. He was admittedly dismissed from service on the findings of the enquiry officer in a domestic enquiry held against him during the pendency of an industrial dispute before the National Industrial Tribunal, Bombay in Ref. No. 1/60. It is needless to set out the pleadings in extenso as this has been already done by my learned predecessor in his award dated 22nd September 1962. On a writ petition filed by the complainant to the High Court in W.P. No. 458/63 the award of this Court dismissing the complaint was quashed and consequently the complaint has been restored to file for being disposed of in the light of the observations contained in the judgment of the High Court.

2. To appreciate the contentions of the parties it would be enough if the facts are briefly stated. The complainant was in the regular and permanent employment of the Bank. He applied for one day's casual leave on 31st January 1961 on the ground that he was suffering from stomach pain. He did not report for duty on the next day or thereafter and as no intimation was received from him the Bank sent a memo on 7th February 1961 by registered post to the address given by him asking him to report for duty on or before 10th February 1961 with a leave application, for extension and a medical certificate. The Bank received a letter on 15th February 1961 from the complainant's father S. T. Raju mentioning that the physical condition of the complainant was bad, that while he was being taken down to hospital he slipped and fell down resulting in dislocation of his right arm and limb rendering him unfit to walk and write. He requested for 30 days of leave in this letter. The Bank immediately sent a letter on 15th February 1961 directing him to produce medical certificate forthwith for considering his request for leave. As no communication was received by the Bank for very long a charge was framed against him to the following effect on 12th April 1961 "That you R. Kuppuswamy, are guilty of gross-negligence amounting to gross-misconduct in that you absented yourself

without leave or any intimation to the Bank from 1st February 1961 and that when by a belated letter dated 13th February 1961 your father requested the Bank to grant you leave for 30 days, you were asked to produce medical certificate and that in spite of reminders you failed to produce the same and that even on expiry of the 30 days you failed to join duty even though six weeks have elapsed since then." This was communicated by Registered post to him but the above said registered notice was returned "unserved". The management proceeded to conduct a domestic enquiry into the charges against him presided over by Sri Kallabiran, Staff Officer. The enquiry was held on 28th April 1961 and as a result of the findings to the effect that the charges were proved his services were dispensed with from 3rd May, 1961. The contention of the complainant is that because of a paralytic stroke his right hand and limb were effected that his father had applied for extension of leave on 2nd March, 1961, enclosing a medical certificate and no reply was received to the same and when he came to the office after recovery on 5th July 1961 he was informed that he was dismissed from service and that intimations were also sent to him.

3. The points that arise for determination are:

1. Whether the provisions of section 33 have been contravened?

2. Whether the dismissal of the worker is valid?

3. To what relief if any is the workman entitled?

4. *Points* 1 & 2.—It cannot be disputed that the disciplinary action taken against the workman is in contravention of the provisions of section 33 of the I.D. Act, during the pendency of a dispute before the National Tribunal in Ref. No. 1/60 to which the respondent was a party. Section 33-2(b) is the relevant provision applicable to this case. It reads "during the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute or where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the work man—

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman:

5. Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer."

6. It will be noticed that both the canditions contemplated under this section have not been complied with. Neither he has been paid one month's wages nor an application was made to the National Tribunal for approval of the action taken by the management. Therefore this is a clear case of contravention of the provisions of Section 33 which gives rise to a complaint under section 33-A. Technically the management has failed to comply with the requirements of law. Section 33-A under which the present application is filed however gives jurisdiction to the Court to adjudicate upon the complaint as if it were a dispute in accordance with the provisions of the Industrial Disputes Act. Therefore in spite of the no compliance with the conditions of Section 33, this Court is competent to enquire into the complaint and determine whether the action of the management is justified and can be upheld. Though I hold point No. 1 in favour of the workman, still on merits the complaint has to be decided.

7. The entire case of the workman rests on the truth of the allegation that a medical certificate with a letter for extension of leave was sent on 2.3.1961 as claimed by him. This letter is purported to have been sent by his father under certificate of posting [Ex. W. 2 and W. 2(a)]. The management denies receipt of this letter. If the letter had been received it would have been entered in the registers and would have been placed for ordrs as was done on the earlier occasion when the complainant's father had applied on 13.2.1961 for extension of leave by one month. There is absolutely no motive for the management to suppress this letter. It bears no grudge against him for suppressing the same. When after 15.2.1961 till the order of punishment was communicated on 3.5.1961 nothing was heard of about the worker the management had necessarily to proceed against him for absence from duty. This the management was constrained to do because as required by it neither a letter for extension of leave was received nor a medical certificate was received

showing his ailment. The management discharged the duties reasonably required of it to send communications to the address given by the workman. The management sent a registered letter on 7.2.1961 in which it called for a leave application and a medical certificate in view of the fact that he had originally applied on 31.1.1961 for leave on account of stomach pain. This was addressed to No. 51, Masoodi St., Saidapet, Madras which is the address given by the complainant and also entered in the Bank's registers. It was returned as "left". After receipt of the letter from his father on 15.2.1961 (Ex. M. 3) the Bank addressed another letter to Ulundurpet on 15.2.1961 (Ex. W. 1) which was the address given under Ex. M. 3 to produce a medical certificate forthwith for consideration of the request for one month's leave. As no communication was received, another reminder was sent on 6.3.1961 (Ex. M. 9) to Ulundurpet address. Again on 21.3.1961 a registered letter was sent directing him to report for duty on or before 1.4.1961. This also was returned with the endorsement "that the whereabouts were not known". Therefore in the absence of any communication from the petitioner after the letter dated 13.3.1961 the management commenced disciplinary proceedings against him by framing a charge and holding a domestic enquiry. On the evidence placed before the Enquiry Officer he came to the conclusion that the charges against the worker were proved. On the basis of this the management discharged him from service. After this, complain was filed further evidence was adduced. Three witnesses were examined on behalf of the worker and one witness on behalf of the management. P.W. 1 is the workman himself and P.W. 2 is his father. The evidence of the petitioner shows that the reason given in the first application on 31-1-1961 that he was suffering from stomach ache was false but that he went to Ulundurpet to see his sister's child who was ill. Subsequently he is alleged to have had a paralytic attack which fact has not been satisfactorily established by examining the physician Mr. Venugopal Naidu, who is alleged to have given him treatment at Ulundurpet. The alleged medical certificate given by him and supposed to have been sent with the letter Ex. W. 2 dated 2nd March 1961 has not been filed nor a certified copy of the same. The Vaidyar who is said to have treated him at Kummthar later on from March, 1961, namely, Jagannathan (P. W. 3) does not advance the case of the petitioner any further. He is not a registered medical practitioner in Ayurveda. He is admittedly running a fire wood depot and he is said also to be practising as a Vaidyar. He would say that the petitioner underwent treatment under him for 3 to 3-1/2 months. He has purported to issue a certificate (Ex. W. 10) which bears no date. He does not state in this certificate that he gave him treatment as alleged by him now in the witness box for a period of 3 to 3-1/2 months. On the other hand it shows that the petitioner came to him in the month of March with paralytic attack and that he gave him treatment. Better and more satisfactory evidence should have been made available for believing the case of the petitioner that he was really laid up in such a condition that he was disabled from moving about or writing letters. The whole story of his illness appears to be only concocted for the purpose of this case. From the commencement he has not come with clean hands. He first took leave on the false ground that he was suffering from stomach pain from which he admittedly did not suffer. Later his father came with the story in his letter Ex. M3 that his son was suffering from stomach trouble and that when he was taken to the hospital he slipped and fell down and sustained fracture. The petitioner gave a lie direct to this case when he admitted that he did not meet with any accident nor did he sustain any injury. He explained that he only got fever and when 2 or 3 days later he went to Dr. Venugopal of Ulundurpet he was told that he had a paralytic attach. I do not think that the petitioner could be so ignorant so as to be not able to know whether the ailment from which he was suffering was only fever or paralytic stroke. He would have easily known by if a portion of his body was affected that he was not merely suffering from fever but something more than that the evidence on his side is unsatisfactory and unreliable to prove that he was really laid up with paralysis. Therefore the ground alleged for the absence cannot be held to be reasonable or justified.

8. The petitioner after having given the letter on 31-1-1961 should have ascertained what had happened, to his leave, whether it was sanctioned or not. The management has been very indulgent towards him. It wrote a letter first on 7th February and after receiving the letter from his father it wrote back to say that he should produce the medical certificate. When for long it did not hear from him it sent a registered notice directing him to report for duty on or before 1.4.1961. Even holding for a moment that Ex.W.2 letter was sent by his father on 2.3.1961 in which request for extension of leave was made but not specifying the period till which time the leave was required, the petitioner should have taken care to ascertain what happened to the leave letter especially

as he did not receive according to his version any communication from the management till he went to report for duty on 5.7.1961. His father who purported to write M.3 letter from Kunrathur in fact delivered this letter in person at the Bank. Therefore it should not have been at all difficult for him to ascertain as to what happened to the application for leave. Apart from this, the petitioner's brother is also working in the same bank and he is in good terms with him and through him he could have also found out as to what happened to his father's application for leave on his behalf. All these only point to the gross negligence to the petitioner and casts a serious doubt as regards the truth of his case that he was laid up with paralysis.

9. Under the Sastry Award which admittedly governs the parties it is clearly laid down in paragraph 478 sub-paragraph (4) (page 134) that "no leave or extension of leave shall be deemed to have been granted unless an order to that effect is passed and communicated to the employee concerned". This direction of the award has been indisputably contravened. Even holding, but not accepting the truth of the petitioner's case, that his father had sent leave letter on 2nd March, 1961 that would not by itself give him the liberty or privilege to absent himself beyond the period of leave sanctioned. It is not petitioner's case either that on his father's application the leave was sanctioned. While so, his absence without leave is a misconduct. The category of misconducts whether gross or minor are described in paragraph 521 sub-paragraphs (iv) and (vi). On a careful reading of sub-paragraph (iv) it will be seen that none of the acts mentioned therein could be related to the petitioner's conduct. His case will undoubtedly come under sub-paragraph (vi) (a) for minor misconduct for absence without leave or overstay of the sanctioned leave without sufficient grounds. This is clearly a case of absence without leave and in any event overstaying after the sanctioned leave of one day. The learned counsel for the Bank Mr. K. S. Naidu strenuously urged that the petitioner's act should be considered to fall under the category of gross misconduct in as much as his absence is a gross negligence of duty. He would also state that his case also falls under sub-clause (e) to sub-paragraph (iv) for wilful insubordination or disobedience of any lawful and reasonable order of the management or of a superior. I am unable to agree with his view. So far as sub-clause (e) is concerned there is no case of any wilful insubordination or disobedience as admittedly he had no notice of the directions made by the Bank to produce the medical certificate. All the letters addressed by the Bank have been returned. There is no evidence to show that he was posted with knowledge of the Bank's directions. Therefore sub-clause (e) has no application. I shall try presently to find whether sub-clause (j) could be invoked. The learned counsel argues that there are 4 charges against the petitioner namely, absence without leave, failure to produce the medical certificate in spite of directions of the Bank, that even after a lapse of 30 days no application was made for extension of leave, that he was guilty of gross-negligence amounting to gross-misconduct. Therefore it is urged that it is a misnomer to call his absence as a minor misconduct. He would say that it is a case which would certainly fall under the category of gross-misconduct. No doubt, the workman's conduct is liable to be construed as gross negligence, but whether as a consequence of the same he had involved or likely to have involved the Bank in serious loss? Nothing had been shown that as a result of this negligence on his part the Bank was put to serious loss or was likely to put to serious loss. When a case of a nature as this, is specifically provided for under sub-paragraph (vi) (a) we cannot traverse beyond it to find out whether any other provision could be invoked against the petitioner. The specific provision contains a case of absence without leave or overstaying without sufficient grounds. This is a case which completely falls under the provision of paragraph (vi) (a). Therefore it is only a minor misconduct and not gross misconduct.

10. The next question that arises is, whether the punishment of discharge from service can be justified. The Sastry Award also lays down the punishment to be awarded in cases of an employee found guilty of minor misconduct. Under sub-paragraph (vii) there are 3 kinds of punishments which are contemplated for minor misconduct: (a) He may be warned or censured; or (b) have an adverse remark entered against him; or (c) have his increment stopped for a period not longer than 6 months. Therefore the dismissal from service of the petitioner is not valid or justified. He can be punished only in any 3 ways mentioned above. I think as this is a case of long absence without leave, his increment is liable to be stopped for a period of 6 months.

11. It was not argued before me that the petitioner abandoned the service and therefore he was dismissed. Though the management in Ex. M. 2(a) had communicated that if he did not report for duty on or before 10th February 1961 with the leave application and medical certificate he would be treated as having left the services without notice, this case was not pursued. The charge specifically and clearly stated that he was guilty of gross misconduct in absenting himself without leave and failure on his part to produce the medical certificate and the

leave application in spite of the orders of the management. Therefore it is clearly for gross misconduct for negligence of duty and for insubordination the management proceeded against the worker. In the Sastry Award, provisions are contained as regards the procedure for taking disciplinary action for both gross misconduct and minor misconducts. It will be also noticed that for abandonment of services also the procedure is laid down as contained in paragraph 522. In sub-paragraph 3, it is stated, if a permanent employee leaves the services of the Bank without giving notice he shall be liable to pay the Bank one month's pay and allowances. Therefore there is no question of the Bank taking any disciplinary proceeding by holding a domestic enquiry for misconduct if it is a case of abandonment of service. As this contention was not raised before me, it is not necessary for me to deal more about the abandonment of service.

12. In view of my findings set out above, the petitioner will be entitled to be reinstated with all backwages subject to his increment being stopped for the first 6 months. An award is passed accordingly.

Dated at Madras, this the 24th day of June, 1966.

(Sd.) Illegible,
Presiding Officer,
Central Govt. Labour Court, Madras.

List of witnesses Examined

(Petitioner) for the complainant:	*For the respondent:*
PW. 1, Sri R. Kuppuswamy	R. W. 1. M. K. Chappiraj
PW. 2. Sri S .T. Raju.	
PW. 3. Sri Jagannatha Nicker	

List of Exhibits Marked

For the Complainant: (*Worker*)

Ex. W. 1. 15-2-1961	Letter from the management to R. Kuppuswamy C/o. T. V. Kittaswamy, H. C. 2043, Ulundurpet Police Station, Ulundurpet, S. A. Dt.
Ex. W. 2. 2-3-1961.	Carbon copy of letter from S. T. Raju to the managemen
Ex. W. 2(a)	Certificate of posting of Ex. W. 2.
Ex. W. 3 5-7-1961	Copy of letter from R. Kuppuswami to the management
Ex. W. 4. 7-7-1961	Letter from the management to R. Kuppuswamy
Ex. W. 5. 3-5-1961	True copy of charge-sheet given by the management
Ex. W. 6. 3-5-1961	Do.
Ex. W. 7. 1-8-1961	Copy to letter from the complainant to the management
Ex. W. 8. 22-7-1961	True copy of the medical certificate
Ex. W. 9. 3-8-1961.	Termination order of the management.
Ex. W. 10. 11-7-1961	Original Medical certificate given by T. Jagannatha Naicker.

For the Management :

Ex. M. 1. 31-1-1961	Leave application from R. Kuppuswamy to the management.
Ex. M. 2.	Returned cover sent by the management to the worker
Ex. M. 2. (a) 7-2-1961	Copy of letter contained in the returned cover
Ex. M. 3. 13-2-1961	Letter from S. T. Raju to the management.
Ex. M. 4.	Returned registered cover sent by the management to the worker.
Ex. M. 4. (a) 21-3-1961	Copy of the letter contained in the returned cover Ex.M.4
Ex. M. 5.	Returned registered letter sent by the management to the worker.
Ex. M. 5(a) 12-4-1961	Copy of letter contained in Ex. M. 5.
Ex. M. 6.	Returned registered cover sent by the management

Ex. M. 7.	Returned cover sent by the management
Ex. M. 8.	Profession Tax Statements Register containing addresses of employees.
Ex. M. 8(a)	Entry relating to R. Kuppuswamy under serial No. 114
Ex. M. 9. 7-2-1961.	Copy of letter from the management to the worker
Ex. M. 10.	Enquiry proceedings
Ex. M. 11. 3-6-1961.	Copy of the charge-sheet of the management issued to R. Kuppuswamy.
Ex. M. 11(a)	Certificate of posting of Ex. M. 11.
Ex. M. 12. 3-5-1961.	Copy of the charge-sheet of the managment issued to R. Kuppuswamy.
Ex. M. 13	Register of Holidays and Leave

(Sd.) Illegible,
Presiding Officer,
Central Govt. Labour Court, Madras.

[No. F. 55(28)/66-LRIV.]

New Delhi, the 4th August 1966

S O. 2433—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in respect of an industrial dispute between the management of the Central Bank of India Limited and their workmen which was received by the Central Government on the 25th July, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 86 OF 1965

PARTIES:

Employers in relation to the Central Bank of India Ltd.

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., (Retired Judge, Patna High Court)—Presiding Officer.

APPEARANCES:

For the Employers.—Sarvashri N. L. Ba ua, Chief Agent, Muzaffarpur Branch; B. Bhattacharyya, Agent, Jalpaiguri Branch; J. Nath, Agent, New Market Branch; Kanhai Charan Banerjee, and, Syed Yakub Hussain, Junior Officers, Sitamarhi Branch, and Asit Charan Mazumdar, Assistant Accountant, Muzaffarpur Branch.

For the Workmen.—Shri Shew Shankar Prasad, the concerned workman *in person*, as General Secretary, Bihar Provincial Central Bank of India Employees' Association, Muzaffarpur.

STATE: Bihar. INDUSTRY: Bank.

Dhanbad, dated, the 25th March, 1966

AWARD

By its Order No. 51(8)/65-LR IV, dated the 20th May, 1965, the Government of India, Ministry of Labour and Employment, referred for adjudication to this Tribunal, under Section 10(1)(d) of The Industrial Disputes Act, 1947, (hereinafter referred to as "the Act"), an industrial dispute existing or apprehended between the employers in relation to the Central Bank of India Limited and their workmen in relation to the matters specified in the schedule annexed to the order of reference, which is reproduced below:

SCHEDULE

"Whether the management of the Central Bank of India Ltd., was justified in discharging Shri Shiv Shankar Prasad, Assistant Cashier of the

Muzaffarpur Branch of the Bank with effect from 18th July, 1960? If not, to what relief is the workman entitled?"

2. On 30th June, 1965, a written statement, on behalf of the concerned workman, Shri Shiv Shankar Prasad, was received from the Bihar Provincial Central Bank of India Employees' Association, (hereinafter referred to as "the Association"), through its Secretary, Shri Shiv Shankar Prasad, the concerned workman. A rejoinder to the written statement dated 31*st July*, 1965, of the Association was received from the Bank, Muzaffarpur Branch, on 2nd August, 1965, which was noted in the Order Sheet of 7th August, 1965.

3. The case of the Association, put shortly, was that Shri Shiv Shankar Prasad, hereinafter referred to as "Shri Prasad", was first employed by the Chief Agent of the Central Bank of India Ltd., Muzaffarpur Branch, as Cashier in 1942 and was continuously in service till he was unjustifiably discharged; that during the long period of his service there was never any charge of misconduct made by the Bank against him; that since 1946 Shri Prasad began to take active part in trade union activities of the employees of the Bank and in 1950 he became the General Secretary of Bihar Provincial Central Bank Employees' Association, Delhi, and since then he incurred displeasure of the Bank, but they were unable to do anything, because Shri Prasad was scrupulously observing the rules governing his duties; that in October 1953 Sitamarhi Branch of the Bank was defrauded to the extent of 1½ lacs, details of which are given in Paragraphs 6 to 21 of the written statement; that on 10th November, 1953 Shri Prasad was arrested by the police at Muzaffarpur in connection with the above case although in the F.I.R. lodged by Shri U. P. Mitra, the Officer-in-Charge, Sitamarhi Branch, the name of Shri Prasad either as an accused, suspect or a witness was not mentioned therein and his house was searched but nothing incriminating was found and ultimately Shri Prasad was prosecuted and put up for *trial;* that Shri Prasad was suspended by the management without giving any charge-sheet to him on the sole ground that Shri Prasad was accused in the criminal case; that Shri Prasad and S. N. Sarkar, another accused, were found guilty by the learned Sessions Judge of Muzaffarpur, who by his Order dated 1st October, 1956, convicted them and sentenced them to various terms of punishment and fines; that the Bank, thereafter, by its letter dated 22nd October, 1956 dismissed Shri Prasad from service with retrospective effect from 1st October, 1956 on the ground that Shri Prasad was convicted in a criminal case, presumably in accordance with the provisions of Paragraph 521(2) (d) of the Award of the All India Industrial Tribunal (Bank Disputes), commonly known as *Sastry Award;* that before dismissing Shri Prasad neither any charge sheet was issued nor any enquiry was held by the management; that Shri Prasad appealed to the Hon'ble High Court of Judicature at Patna against the above decision and order of the learned Sessions Judge of Muzaffarpur against his conviction and the Hon'ble High Court by its judgment dated 14th November 1957 acquitted Shri Prasad of all charges disbelieving the prosecution case, and, the evidence of witnesses produced by the Bank against Shri Prasad; that, thereafter, Shri Prasad on 23rd November 1957 represented to the management of the Bank for reinstatement as he has been acquitted by the Hon'ble High Court, Patna, but, neither the management of the Bank reinstated him nor paid him his due salary, etc., nor even replied to his representation for more than one month and a half; that the management then served a chargesheet on 13th January, 1958 on Shri Prasad asking him to explain why action should not be taken against him for (1) engaging himself in trade or business without the permission of the Bank, and, (2) his conduct in respect of the fraud was not clear and above board; that Shri Prasad submitted his explanation but the management did not accept it and held departmental enquiry through Shri S. R. Tipnis, Chief Agent, Indore Branch of the Bank: that at the said domestic enquiry the Bank did not produce any witness nor adduced any other evidence in support of the charges made against Shri Prasad but it relied on the depositions of the witnesses examined on behalf of the prosecution before the Sessions Court and the statements of Shri Prasad made under Section 342 of Criminal Procedure Code and his written statement; that Shri Prasad produced documents before the Enquiry Officer in proof of the fact that the fact that the business and trade were joint family business and were being carried on by his younger brother Shri Hari Shankar Prasad; that the Enquiry Officer, however, on 7th July, 1960, submitted his report and came to the finding that the charges had been proved against Shri Prasad on the basis of depositions of prosecution witnesses, namely, Md. Idris, Suraj Narain Sharma, Dayanand Singh alias Munnijee; that the said domestic enquiry was completed on 28th April, 1958, but as in the meantime another case was started implicating Shri Prasad along with Madar Bux for the said alleged incident the enquiry report was stayed by the Enquiry Officer and ultimately Shri Prasad filed a criminal revision before the Hon'ble High Court, Patna, against the second prosecution, having failed to get relief from the lower appellate court; that the Hon'ble High

Court by its judgement and order dated 8th April 1960 quashed the proceedings and hereafter the Enquiry Officer submitted his report on 7th July 1960 as stated above; that the Bank filed an application for approval of the dismissal of Shri Prasad under Section 33(2)(b) of the Act on 18th July 1960 before the National Industrial Tribunal (Bank Dispute), Bombay, commonly know as *Desai Tribunal*, which was subsequently transferred to the Central Labour Court at Dhanbad, where it was allowed on 22nd June 1962; that even before the Labour Court the Bank filed the proceeding of the domestic enquiry but did not examine any witness or adduce any document in support of its allegation against Shri Prasad made in the chargesheet but Shri Prasad examined himself before the Labour Court and in reply in his cross-examination he, categorically stated that he did not own any business and that he had been victimised, that on 27th March 1962 the Labour Court reserved its judgment but subsequently Shri Prasad received several copies of letters, which were filed before the Labour Court and their original were called for from the persons concerned but they were never filed and subsequently those documents were filed with his written statement in this case, but Shri Prasad's application for calling for the original documents filed on 16th May 1962 before the Labour Court from the persons named therein was rejected by the Labour Court and the application for approval was allowed and Shri Prasad's application to the Hon'ble High Court against the said order and to the Hon'ble Supreme Court were also unsuccessful; that, therefore, it was submitted by the Association that the said enquiry was held by an Enquiry Officer, who was predetermined and it was merely to give a show of compliance of formalities and not with a view to finding out whether the allegation of misconduct alleged against Shri Prasad was made out and, therefore, it should be set aside and Shri Prasad should be reinstated in his previous job with full back wages and allowances and other privileges for the idle period.

4. The defence of the Bank, in its reply dated 31st July 1965 filed before the Tribunal on 2nd August 1965, was that the order of the Labour Court operated as *resjudicate*, and, therefore, the present reference was incompetent. *On merits*, the defence was that Shri Prasad was given only *benefit of doubt* by the Hon'ble High Court, and, therefore, in view of Sastry Award it was open to the Bank to institute a domestic enquiry against the concerned workman and on his misconduct being established to dismiss him from service; that the Bank, thereafter, in Paragraphs 14 to 43, dealt with the different paragraphs of the written statement of the workman and submitted that the enquiry was fair and proper and, therefore, it should be upheld and the discharge of the concerned workman was justified because his misconduct was proved. The Bank further laid stress on the observation of the High Court where the Hon'ble Judge said: "*Admittedly, appellant Shiv Shankar has a flour mill and a cycle factory at Muzaffarpur*", and, thus, it was alleged, was a serious charge of gross misconduct within the ambit of the Sastry Award, which had been proved beyond all reasonable doubt.

5. The Bank in Para 13 of its written statement as well as by separate petition filed on 7th August 1963 prayed that the preliminary objections regarding maintainability of the reference and jurisdiction of the Tribunal to entertain the reference should be decided first. In accordance with the wishes of the parties, therefore, I heard them on the preliminary points on 10th November 1965 at Patna, as requested by the parties.

6. On 10th November 1965 when the preliminary objections were taken up for hearing, Shri N. L. Barua, Chief Agent, Musaffarpur Branch, represented the Bank and Shri Shew Shankar Prasad, the concerned workman, appeared in person for himself as well as for the Association of which he was the General Secretary. Both the parties filed documents, which, with mutual consent, were taken into evidence and exhibited.

Documents filed by the Bank were marked Exts. M to M-13 and the documents filed by the concerned workman, along with his written statement, which were annexures to his written statement, were marked Exts. W to W-12. At the request of the workman, and, with the consent of the Bank, four of the enclosures to the rejoinder filed by the Bank, were marked Exts. M-14 to M-17, and, thereafter, arguments were heard on 10th November 1965 and on 12th November 1965. On 12th November 1965 three more documents were marked, on behalf of the workman, which were resolutions, as Exts. W-13 to W-15. After hearing the parties in great detail, order was reserved on the preliminary point and parties were asked to be present on 22nd November 1965 to hear the order to be delivered in open Court at Patna. On 22nd November 1965 I announced my order on the preliminary objections in presence of the parties and by the said order I overruled all the preliminary objections raised by the Bank and held that the Tribunal

has jurisdiction to entertain the present industrial dispute and to decide it on merits as the reference was quite competent.

7. The case *on merits* was heard again at Patna at the request of the parties on 10th March 1966, 11th March 1966 and 12th March 1966; 9th March 1966 being a local holiday all the Court Rooms and Chambers of the Bihar State Industrial Tribunal were closed and locked up, and, therefore, the case could not be heard on that date and had to be adjourned to the next day.

8. At the final hearing, the Bank was represented by Sarvashri N. L. Barua, Chief Agent, Muzaffarpur Branch; B. Bhattacharyya, Agent, Jalpaiguri Branch; J. Nath, Agent, New Market Branch; Kanhai Charan Banerjee, and, Syed Yakub Hussain, Junior Officers, Sitamarhi Branch, and Asit Charan Mazumdar, Assistant Accountant, Muzaffarpur Branch. Shri Shew Shankar Prasad, the concerned workman, *appeared in person* representing himself and the Association of which he was the General Secretary.

9. Both parties filed further documents, which, with mutual consent, were taken in evidence and marked as Exhibits. Documents filed by the Bank were marked Exts. M-18 to M-37 and documents filed by the Association were marked Exts. W-16 to W-18, but subsequently on the objection of the Bank that these documents were filed at the enquiry stage, these documents Exts. W-16 to W-18 at the request of both the parties, were expunged, and therefore, they may be ignored and need not be considered.

10. On 11th March 1966, in course of the arguments by Shri Prasad, when he was relying on Exts. W 3 to W 11 to show that the enquiry was prejudiced and not fair and the Enquiry Officer was made predetermined against the concerned workman, Shri Barua objected to the said documents being relied upon and said that the Bank did not admit them. For the *reasons given by me in my* Order No. 19 dated 11th March 1966 I rejected the objection. Next day, on 12th March 1966 when the case was taken up, although it was a Holiday being the Second Saturday, with the consent of all the parties, the Bank filed objection and prayed to recall Order No. 19 dated 11th March 1966 rejecting the Bank's objection to Exts. W 3 to W 11 for the reasons given in the petition. But for the reasons given in my Order No. 20 dated 12th March 1966 I rejected the Bank's objection to the documents of the workmen, marked Exts. W 2 to W 11, being expunged as also the Bank's prayer for recalling Order No. 19 dated 11th March 1966 for the reasons given therein. I, however, gave opportunity to the Bank to argue all the points mentioned in the statement and the rejoinder as the Bank chose as a matter of course.

11. *None of the parties examined any witness before the Tribunal.*—On 12th March, 1966, the Bank filed a petition that the Bank does not propose to examine any witness before the Tribunal either regarding Charge No. 1 or Charge No. 2 for the reasons given therein. The concerned workman Shri Prasad wanted to file a petition on the same day to the effect that he will examine himself regarding both the Charges Nos. 1 and 2, but later he filed a petition that he also would not examine himself, as prayed for earlier, which was objected to by the Bank. I, however, over-ruled the objection of the Bank on the ground that it was open to the workman not to examine himself and the Bank cannot force him to examine himself. The workman also filed a petition, with a copy of the letter of Shri S. R. Tipnis, the Enquiry Officer to the D.S.P., Dhanbad on 11th February, 1966, that it may be marked as exhibit and accordingly it was marked as *Ex. W* 16, as original W 16 to W 18 had been expunged after the objection of the Bank. *The admitted position, therefore, is that neither party adduced any oral evidence either before the domestic enquiry or before the Tribunal.*

12. On 21st March, 1966 an objection was received under a registered cover from the Chief Agent, Muzaffarpur Branch of the Bank, giving again the reasons for not examining any witness regarding either Charge No. 1 or Charge No. 2 before the Tribunal, and, praying that this application may be kept on record and that the Bank was filing this petition so that, in case the finding by the Enquiry Officer was held defective and irregular, it may not be understood that the Bank does not want to adduce evidence as required by the Supreme Court in *Workmen of the Motipur Sugar Factory (P) Ltd.* Vs. *Motipur Sugar Factory (P) Ltd. A.I.R.* 1965 S.C. 1803, at page 1808-1966 B.L.J.R. 258.

13. Before, however, I deal with the merits of the case, I think it would be useful at the outset to state all the material facts having bearing on the case in their chromological order with their dates and exhibit numbers. They are as below:

28th October,, 1963: Sitamarhi Branch of the Central Bank was defrauded to the extent of 1½ lacs by a person calling himself Rambahadur, Proprietor of Rana and Co., who had earlier on 20th May, 1953, opened a Current Account in the Sitamarhi Branch on being introduced by one *Mohamed Hanif*, who had also a Current Account there. It is, however, not material to know how this fraud was committed and how Sitamarhi Branch was defrauded for the purpose of deciding the present reference.

2nd November, 1953: Shri U.P. Mitra, Officer-in-Charge, Sitamarhi Branch of the Bank lodged first Information Report before the Sitamarhi P.S. regarding the above matter.

11th November, 1953: Consequent on the arrest of Shri Prasad, the concerned workman, who was Assistant Cashier, Muzaffarpur Main Office, in connection with the above criminal case, which was started in respect of Sitamarhi defraud case, Shri Prasad was suspended by the Bank, *Ext. M*-14.

1st October, 1956: Shri Prasad was convicted by the Sessions Judge, Muzaffarpur, under Sections 120B, 420, 420/109; and 471 and 471/109 I.P.C. and sentenced to fine and imprisonment, *Ext. M* 26.

22nd October, 1956: Shri Prasad was dismissed with effect from 1st October, 1956—the date of his conviction (subsistence allowance having been paid to him till 30th September, 1956) *Ext. M* 15.

14th November, 1957: On appeal to the Hon'ble High Court at Patna, Shri Prasad, was acquitted on being given benefit of doubt, *Ext. M* 2.

23rd November, 1957: Shri Prasad applied to the Bank for his reinstatement to his previous post of Asstt. Cashier at Muzaffarpur on being acquitted by the High Court, *Ext. M*-18.

13th January, 1958: The Chief Agent with reference to Shri Prasad's request to re-instate him (*Ext. M* 18) informed him that he had been given benefit of doubt and therefore the Bank has the right to institute departmental enquiries, and, therefore, asked him to show-cause what he has to say in respect of the charge against him of engaging in trade or business outside the scope of his duties without the permission of the Bank, *Ext. M.* 19.

18th February, 1958: Shri Prasad showed cause in detail regarding the charge that he had engaged himself in trade or business outside the scope of his duties without permission of the Bank and asserted that the entire assumption that he had made any such admission in the Court is wrong, and, therefore, he quoted his alleged statement and showed that he was not the owner of any rickshaw factory or *Atta* mill, which belonged to the family and not to him personally, *Ext. M* 20.

5th April, 1958: A chargesheet *Ext. M* 21 was issued by the Chief Agent mentioning therein that it had been decided to hold a departmental enquiry in respect of the undermentioned *charges* against him, which were , (1) It has been established in the course of the trial before the Sessions Court at Muzaffarpur in he Sitamarhi Fraud Case that Shri Shiv Shankar was owner of a rickshaw factory and a flour mill at Muzaffarpur and the same has been admitted by him in his statement before the said Court. While he was in the service of the Bank he engaged himself in trade or business outside the scope of his duties without the permission of the Bank, which amounts to gross misconduct *vide* Para 521(4)(a) of the Sastry Award, and, (2) the facts that came to light from the evidences recorded during the trial in the Sessions Court in the Sitamarhi Fraud Case as also the movements and conduct of Shri Shiv Shankar Prasad before, on and subsequent to the date of the fraud would go to show that his conduct in the above fraud was not clean and above board. This has been further confirmed by the fact that he has not been honourably acquitted by the High Court at Patna of the charges levelled against him but has been acquitted as having been given the benefit of doubt by the said High Court.

Shri Prasad was informed by Ext. M. 21 that the enquiry in respect of the above charges will be held by Shri S. R. Tipnis, Agent, Indore, on 28th April, 1958 in the Bank premises of Sitamarhi Office.

22nd April, 1958: Shri Prasad sent a reply to the Chief Agent Muzaffarpur Bank, *Ext. M.* 22, saying that the charges mentioned in *Ext.* M. 21 were vague, and, therefore, he should be furnished with details as to what evidences the Bank referred to and the Bank should also describe in detail the nature of conduct, which is challenged.

22nd April, 1958: On the same day, Shri Prasad made an application to the Chief Agent, Central Bank of India, Muzaffarpur, *Ext. M.* 23 informing that the General Secretary of the Association—Shri S. K. Biswas, Patna—will defend him at the enquiry.

22nd April, 1958: In reply to Shri Prasad's representation dated 22nd April, 1958 *Ext. M.* 22, The Chief Agent of the Bank informed him by a letter *Ext. M.* 24 that the charges for which the enquiry will be held against him are stated in the Charge-Sheet dated 5th April 1958 *Ext. M.* 21. However, for his further information he is referred to Paras 3, 4 and 5 of the show-cause notice issued to Shri Prasad *Ext. M.* 19 where in his movements and conduct before, on and subsequent to date of fraud have been specified.

With regard to the letter *Ext. M.* 23. the Bank noted that Shri S. K. Biswas, General Secretary, will defend Shri Shew Shankar Prasad at the enquiry

28th April 1958: *Enquiry was held by Shri S. R. Tipnis, Agent, in presence of the concerned workman.*

12th July, 1958: The Enquiry Officer informed Shri Prasad that as the absconder, Madar Bux, who was absconding since the date of the fraud, had been arrested by the Police, opening up possibility of further investigation and of reopening of the case, and as Shri Prasad had again been arrested and a second prosecution started against him as also against Madar Bux, the enquiry against Shri Prasad and Shri S. N. Sarkar, the co-accused, will be stayed.

It may be mentioned that the findings in the enquiry against Shri S. N. Sarkar who, along with Shri Prasad, were prosecuted and convicted and later acquitted, were delivered on 27th November, 1959, and final orders passed on 30th November, 1959.

8th April, 1960: Shri Prasad moved the Hon'ble Court, Patna, against his second prosecution and it was quashed, *Ext. W.* 12.

7th July, 1960: Shri Tipnis, the Enquiry Officer, thereafter, submitted his enquiry report and his detailed findings *Ext. M.* 16 and in his report towards the end he said "Accordingly I now inform him of the proposed punishment and call upon him to show cause why he should not be discharged from Bank's service".

7th July, 1960: After the enquiry report, the Enquiry Officer, *on the same day* informed Shri Prasad by a letter *Ext. M.* 35 the result of the departmental enquiry and of the proposed punishment and called upon him to show cause within three days as to why he should not be discharged from Bank's service.

7th July, 1960: After sending the letter *Ext. M.* 35 to Shri Prasad, the Enquiry Officer sent another letter *Ext. M.* 36 *on the same day* informing Shri Prasad that the reply dated 7th July 1960 submitted by Shri Prasad to *Ext. M.* 35 had been carefully perused along with the enclosures and as Shri Prasad has not stated anything new or fresh which would make it necessary or advisable to alter the punishment proposed to be meted out to him as advised to him in the memo. of date, *he sets aside the dismissal order dated 22nd October* 1956 *Ext. M.* 15 against him and discharges him from the Bank's service on payment of three month's pay and allowances in lieu of notice in strict compliance with the terms of para 521 (2) (d) of the Sastry Award.

18th July, 1960: The Chief Agent, Muzaffarpur Branch, thereafter issued a letter *Ext. M.* 17 to Shri Prasad saying that in accordance with the punishment awarded by the Enquiry Officer, Shri Shiv Shankar Prasad is hereby discharged from the Bank's service with immediate effect.

18th July 1960: The Bank, thereafter, made an application for approval of its action in discharging Shri Prasad from the Bank's service under Section 33(2)(b) of the Act before the National Tribunal, which was subsequently transferred to the Central Government Labour Court at Dhanbad.

27th March 1962: The application for approval under Sec. 33(2)(b) of the Act was received on transfer by the Central Labour Court at Dhanbad—*Ext. M.* 5. Hearing of the application for approval under Sec. 33(2)(b) of the Act was concluded before the Central Labour Court, Dhanbad.

4th April 1962: After the conclusion of the hearing of the application for approval by the Labour Court on 27th March 1962, a telegram was received by the Labour Court from Shri Prasad saying "Very Important and material documents concerning the above case revealed. Posting petition with reference above documents pray kindly deliver judgment after perusing documents and granting one hearing copy petition being served to applicant Central Bank."

5th April, 1962: Following the telegram, a petition dated 5th April, 1962, *Ext. M.* 3 supported by an affidavit was filed in which the different documents, which have now been marked *Exts. W.* 3 *to W.* 11, were mentioned therein and prayed that the Bank be directed to produce all those documents and it was said that it was evident from these documents that there was no free and fair enquiry against Shri Prasad and the Bank authorities were predetermined to discharge him from the service of the Bank after giving an air of having fulfilled the legal technicalities.

11th April, 1962: The Enquiry Officer, Shri S. R. Tipnis, lodged an Express F.I.R. with the D.S.P., Dhanbad, *Ext. W* 16 regarding the theft of files containing confidential correspondence on 27th March 1962 from the Court Room at Dhanbad, meaning *Exts. W.* 3 *to W.* 11 which were called for by Shri Prasad and which were mentioned in his petition on 5th April 1962 and praying that the files be taken into custody from Shri Prasad. The Enquiry Officer referred to his earlier letter to Police on 8th April 1962 also.

21st April, 1962: The Bank filed a rejoinder dated 19th April 1962 to the re-hearing of the application *Ext. W.* This rejoinder of the Bank dated 19th April, 1962 *Ext. W.* was subsequently withdrawn by the Bank by an application dated 26th April 1962, but, later another objection was filed by the Bank on 30th April 1962, as will appear from the Labour Court's Ordersheet dated 30th April 1962—*Ext. M.* 5.

14th May, 1962: Shri Prasad filed a petition dated 9th May 1962 supported by Affidavit,, *Ext. M.* 4, before the Labour Court mentioning the documents *Exts. W.* 3 *to W.* 11, and mentioning also the custody of the persons against each of these documents and praying to call for those documents, from them.

22nd May, 1962: The Bank filed objection *Ext. W.* 1 to the above petition for production of documents.

22nd May, 1962: The petition calling for the records filed on 14th May, 1962 was rejected by the Labour Court—*Ext. M.* 5.

22nd May, 1962: The Bank's application for approval was allowed by the Labour Court, *Ext. M.* 6.

28th February, 1963: Shri Prasad moved the High Court for quashing the Order of the Labour Court (*Ext. M.* 7).

19th March, 1963: The High Court summarily rejected the application against the Labour Court's Order dated 22nd June 1962, *Ext. M.* 8.

28th January 1964: High Court refused to grant leave to appeal the Supreme Court.

9th April, 1964: Shri Prasad filed an application for leave to appeal to the Supreme Court in the Supreme Court, *Ext. M.* 9.

11th September, 1964: The Supreme Court dismissed Shri Prasad's application for leave to appeal, *Ext. M.* 10.

9th October, 1964: Union moved the Conciliation Officer.

21st May, 1965: Present reference by the Central Government.

31st May, 1965: Received by the Dhanbad Tribunal from the Bombay Tribunal, where it had been missent.

21st November, 1965: Preliminary objections over-ruled and held that the Tribunal has jurisdiction to consider the merits.

14. Shri Prasad, on behalf of the Association, laid great emphasis on *Exts. W. 2 to W. 11*, in support of his contention that the Enquiry Officer was made predetermined to return a verdict of guilt and to find alleged misconduct proved, and, therefore, the domestic enquiry was only an eye wash, a mere farce an emply formality, and not at all fair and proper and in accordance with the principles of natural justice. Shri Barua, on behalf of the Bank, however seriously challenged the genuineness of the documents *Ext. W. 2 to W. 11* and said that these document had been fabricated for the purpose of the present reference and, therefore, should not be relied upon.

15. If *Exts. W. 2 to W. 11* are genuine and the said letters passed between the parties to them in the ordinary course of business, certainly they would be very material, rather most important documents on the question whether the enquiry was fair and proper and whether the Enquiry Officer was unbiased and unprejudiced, as alleged by the Bank. It is essential, therefore, to decide first the genuineness of *Exts. W. 2 to W. 11*.

Ext. W. 2 being an anonymous letter bearing no date and name of the sender or of the person to whom it was sent, it may be left out for consideration, its importance lies in the fact that *Exts. W. 3 to W. 11* were sent along with *Evt. W. 2* by a well wisher to a person in which it was said that:

* * * *

"I am aware that you are being harassed in hands of the Bank authorities for your honest trade Union activities."

"The copies of the letters, (*i.e. Exts. W. 3 to W. 11*), I am enclosing herewith will show that the management is determined to kill you. I think if you can through the Labour Court get the originals from the Bank produced before the Court you will win the case."

* * * *

This *Ext. W. 2*, along with *Exts. W. 3 to W. 4*, were received after 27th March, 1962 and before 5th April 1962, because arguments were over before the Labour Court on 17th March 1962 and then on 5th April 1962 the petition was filed for re-hearing along with *Exts. W. 2 to W. 11* before the Labour Court praying to call for the originals of *Exts. W. 3 to W. 11* from the person concerned followed by another petition on 9th May 1962, both supported by affidavits, as will appear also from the ordersheet of the Labour Court *Ext. M. 5* dated 30th April, 1962 and 22nd May, 1962. N

16. Before, however, I decide the question of the genuineness of *Exts. W. 3 to W. 11*, I think it would be better to give below at first a gist of those letters in the order of their dates, in order to show how those documents are very important for the purpose of the present case:

Ext. W. 3: 18th March, 1958: It is a letter marked *'Private and Confidential'*, sent by Shri N. A. Wazifdar from the Central Bank of India Ltd., Bombay, on 18th March 1958, to Shri S. R. Tipnis, the Enquiry Officer, in connection with the enquiry against Shri Shew Shankar Prasad in reply to Shri Tipnis's *'Private and Confidential'* letter dated 8th March 1958, which is not on the record. In this letter *Ext. W. 3*, it is said that the English translation of the written statement of Shri Prasad in Hindi before the Sessions Judge and a copy of his oral statement under Section 342 Cr. P. C. before the Sessions Judge are returned herewith, which were received with Shri Tipnis's letter under reference. It is then said that it is not possible for the Muzaffarpur Branch Officer to produce any fresh evidence to prove the charge against Shri Prasad of engaging in business without Bank's permission and for his failure to send fake enquiry card to Muzaffarpur Officer and, therefore, Shri Tipnis will have to rely at the Enquiry on the above referred statement of Shri Prasad as well as on the judgment of the Sessions Court, Muzaffarpur and of the High Court for proving the Charge No. (1) against him. Shri Tipnis was further asked that he *should on the basis of the above documents come to an affirmative FINDING AS TO HIS GROSS MISCONDUCT IN respect of Charge No. (1) and pass order of discharge as per direction in Para 505 of the Sastry Award.* As we are not concerned with Shri

Sarkar, I am omitting all references to him. It was further said that *he will peruse carefully the wording of the said Para and try to fit in his finding with the actual phraseology as appearing in the latter part of the Part.* As far as Charge No. (2) was concerned, it was said that it should be remembered that Shri Prasad *has been honourably acquitted by the High Court*, and, therefore, he should refer to all the circumstances which give rise to reasonable suspicion regarding his complicity in the commission of the fraud and because of which the High Court has *acquitted him by giving him the benefit of doubt.* Shri Tipnis was further requested to study the judgment of the Sessions Court, Muzaffarpur, carefully so as to enable him to support his findings in respect of this charge No. (2) against him. He was further asked that as the High Court after examining all the evidence has given him the benefit of doubt and on that basis acquitted him, he can say in his order that without meaning any disrespect to the decision of the High Court, that it would be inexpedient, if not dangerous to the interest of the Bank, to retain such a person in the employment of the Bank, which is essentially a credit Institution:

Ext. W. 4: 7th July 1958: It is a letter dated 7th July 1958 sent by Shri S. R. Tipnis to Shri Wazifdar from the Central Bank of India Ltd., Indore City, in respect of the enquiry relating to Sitamarhi Fraud Case. In this letter Shri Tipnis said that he was enclosing his findings regarding Charge No. 2 which had to be re-drafted, after he had consultation with their Legal Adviser, Mr. Asayaker, during his last visit to Bombay, Shri Tipnis asked Shri Wazifdar to advise him his approval of the entire findings and if any suggestions are to be conveyed to him the same may be communicated to him at Indore on or before 20th July 1958, and if not, they may be sent to Patna, when he will reach on 14th July 1958, and leave in the afternoon of 15th July 1958 for Muzaffarpur as he had already advised the Head Office of having fixed 16th July 1958 as the date to give the findings at Muzaffarpur in the Bank premises.

Ext W. 5: 9th July 1958: This letter was sent from Bombay Central Bank of India Ltd., Bombay, on 9th July 1958 by Shri N. A. Wazifdar to Shri S. R. Tipnis, Indore, which is marked "Private and Confidential," in connection with Sitamarhi Fraud Case, in reply to the letter dated 7th July 1958, *Ext. W.* 4, Shri Wazifdar said that he had not persued the contents of his findings in respect of the enquiry held in the case of Shri Prasad and another, but he hastened to draw his attention to their personal letter to him dated 3rd July 1958, (copy of which was enclosed for ready reference) wherein Shri Tipnis had been instructed to stay further action in connection with the said enquiry in view of the fresh developments, and therefore, he should inform Shri Prasad and need not proceed to Muzaffarpur.

Ext. W. 6: 2nd June, 1960: This letter marked 'Private and Confidential' was sent on 2nd June 1960 by Shri S. R. Tipnis to Shri N. A. Wazifdar, Central Bank of India, Ltd., Bombay from Indore regarding completion of departmental enquiry in the case of Shri Prasad. In this letter Shri Tipnis says that during the enquiry he found Shri Prasad "*to be difficult and argumentative*" and Shri Prasad "*is always well briefed and knows thoroughly his rights and legal remedies and is capable of adopting any tactics which suit him*", and, therefore, after the findings are read, Shri Prasad may ask for a copy of the same and it is customary not to furnish a copy, and, therefore, he will accordingly not furnish one to Shri Prasad though he may insist on giving a copy and may even refuse to accept the memo. of punishment unless a copy of findings is given to him. In such a case, Shri Tipnis suggested that it would be in order for him to allow him inspection of the findings with permission to take notes, but he may, however, refuse to take inspection and insist on a copy being furnished to him and may not accept the memo. of punishment, and, therefore, Shri Tipnis wanted to know what procedure should be followed in such an eventuality. Later on, Shri Tipnis says that the enquiry should be completed in such a way as not to allow for even minor defects which could later be evploited as legal flaws vitiating the enquiry and, therefore, a copy of the finding may be allowed to be furnished to him (Shri Prasad) is he insists on it and if he refuses to take inspection. Shri Tipnis stated his difficulties and wanted early instruction regarding this.

Ext. W. 8: 10th June, 1960.—This letter was sent by Shri S. R. Tipnis to Shri Cooper on 10th June, 1960, in reply to his letter dated 17th June, 1960, *Ext. W 7* although it is mentioned in *Ext. W 8* as 7th June, 1960. In this letter Shri Tipnis says that he has noted his instructions and he is enclosing a copy of the findings for his perusal and advice at an early date.

Ext. W 9: 13th June, 1960.—This letter was sent on 13th June, 1960, by Shri Tipnis to Shri F. C. Cooper, Deputy Manager, Central Bank of India, Ltd., Fort, Bombay, marked 'Private and Confidential' from Indore, in connection with the findings in the departmental enquiry against Shri Prasad. In this letter Shri Cooper says that *he had closely re-read the findings and he advised certain changes, which may be allowed to be made and the changes are mentioned therein.* In the end Shri Cooper says that the changes he had proposed above are with a view to make the wordings of the findings all the more cautious.

Ext. W 7: 17th June, 1960.—This is a letter sent by Shri F. C. Cooper from the Central Bank of India, Ltd., Bombay, on 17th June, 1960, marked 'Private and Confidential' to Shri S. R. Tipnis in reply to his letter marked 'Private and Confidential' dated 2nd June, 1960, *Ext. W. 6* regarding completion of departmental enquiry in the case of Shri Prasad. Shri Tipnis was instructed to give a copy to Shri Prasad and since there is now sufficient time Shri Tipnis was asked to send a copy of the findings to Bombay. Shri Tipnis was further instructed to give time to Shri Prasad to submit what he has got to say in writing regarding punishment.

Ext. W 10: 17th June, 1960.—This letter was sent on 17th June, 1960, by Shri F. C. Cooper to Shri Tipnis in reply to his letter dated 10th June, 1960, *Ext. W 8* from Bombay to Indore, regarding completion of departmental enquiry in the case of Shri Prasad. *In this letter Shri Cooper says that he approved his findings with the necessary amendments as suggested but he considered appropriate to revise the last few lines, which he mentioned therein.* Towards the end, Shri Cooper further mentions that it is to be pointed out that Shri Prasad was suspended from service on 11th November, 1953, and not on 7th November, 1953, and, therefore, this correction may be made.

Ext. W 11: 18th July, 1960.—This is the last letter on the record sent by Shri Tipnis on 18th July, 1960, to Shri N. A. Wazifdar from Indore to Bombay in which it is said that he has sent by registered post all relevant papers relating to Sitamarhi Fraud enquiry and there is no copy of finding left with him. *The copy sent for approval may please be returned for his record.*

17. From the contents of the above letters *Exts. W 3 to W 11* which passed between Shri N. A. Wazifdar, President, Staff Second VID, Head Office, Central Bank of India, Limited, Bombay; Shri S. R. Tipnis, the Enquiry Officer, at present Chief Executive Officer, Krishna Ram Baldeo Bank, Gowalior, who was then Chief Agent, Central Bank of India Ltd., Indore, and Shri F. C. Cooper, Deputy Manager, The Central Bank of India, Ltd., Bombay; between 18th March, 1958 to 18th July, 1960, concerning the departmental enquiry against Shri Prasad which *commenced on 13th January,* 1958, *with the Service of a show cause notice Ext. M 19 on Shri Prasad and was completed on 28th April,* 1958, but the enquiry report *Ext. M 16* was submitted against Shri Prasad on 7th July, 1960, if those documents are genuine, the irresistible conclusion is that the domestic enquiry was a mere farce, and it was *"reduced to empty formality"*, to quote His Lordship Mr. Justice Gajendragadkar, as then he was, in *Khardah and Co., Ltd.,* Vs. *Its workmen,* 1963(II) L.L.J. 462.

18. These documents *Exts. W. 3 to W. 11* were filed for the first time in the proceeding under Section 33(2) (b) of the Act, which was pending before the Central Government Labour Court at Dhanbad, as far back as on *7th April,* 1962, in the following circumstances, as will appear from the Order Sheet of the Labour Court *Ext. M 5.* The hearing of the application for approval was concluded on 27th March, 1962, and after that Shri Prasad filed a petition, supported by on Affidavit dated 5th April, 1962, before the Labour Court on 7th April, 1962, *Ext. M 3* in which he mentioned that after the conclusion of the hearing of the case on 27th March, 1962, the under noted facts have come to his knowledge and, thereafter, in Para 4 he mentioned those facts, which are details of the letters, *Exts. W 3 W 11.* This petition followed a telegram sent earlier by Shri Prasad on 4th April, 1962, the contents of which were incorporated in Para 6 of the said petition. At the end of this petition in the Schedule all these letters *Exts. W 3 to W 11* were specified and a prayer was made that these letters may be called for from the persons mentioned against each letter. It will appear from the Order Sheet *Ext. M 5* that the Central Labour Court on 30th April, 1962, mentioned the fact that to the above petition of Shri Prasad the Bank had sent a rejoinder on 19th

April, 1962, which was *Ext. W*, but the said rejoinder was subsequently withdrawn by the Bank by an application dated 26th April, 1962, on 30th April, 1962. The Bank filed another application *Ext. W* 1 requesting *inter alia* to reject Shri Prasad's petition for production of the documents mentioned in the Schedule to his application dated 5th April. *Ext. M* 3 before the Labour Court on 7th April, 1962, when *Exts. W* 3 *to W* 11 were also filed. It may be mentioned here that the Bank in its petition dated 19th April, 1962, filed on 21st April, 1962, before the Labour Court *Ext. W* 2 which was supported by an Affidavit, challenged the petition for re-hearing *Ext. M* 3 filed by Shri Prasad on 7th April, 1962, and in Para 14 of the said petition filed on 21st April, 1962, *Ext. W* 2 the Bank said "That the said letters are believed to be not genuine and the opposite party is bound in law to prove the same", but the Bank had not the courage to say that they were forged and fabricated". In the next petition, which the Bank filed on 30th April, 1962, which was also supported by an Affidavit sworn by Shri B. D. Mehra, Chief Agent, Central Bank of India, Muzaffarpur, *Ext. W.* 1 Paras 5 and 6 are very important on the question of the genuineness of these letters, *Exts. W* 3 to *W* 11. In *Para* 5 it is said: "That the letters, extracts of which are quoted in the petition of the opposite party, (that is, Shri Prasad) being personal confidential letter copies of which are not on the Bank's record and hence the Bank is unable to produce them before the Court." In Para 5, therefore, the genuineness of these letters *Exts. W* 3 to *W* 11 is not denied, rather admitted as far back as 30th April, 1962. In para 6 of the said petition, *Ext. W* 1 the Bank says: "That Since the opposite party has quoted extracts of the letters the said opposite party must have the custody of the letters and must produce the same in court for verification". In my opinion, Paragraphs 5 and 6 of the Bank's petition filed before the Labour Court on 30th April, 1962, *Ext. W* 1, *prove* beyond doubt that the Bank admitted the genuineness of these letters *Exts. W* 3 to *W* 11 and did not allege that they were not genuine and that they were fabricated documents, as now alleged. It further appears from the Order Sheet of the Labour Court *Ext. M* 5 that the application of Shri Prasad for re-hearing and for calling for the originals of *Exts. W* 3 to *W* 11 from the persons named in the petition were both rejected on 30th April 1962 by the Labour Court. It further appears from the Order Sheet *Ext. M.* 5 as well as from the application of Shri Prasad supported by an affidavit dated 9th May 1962 *Ext. M* 4 that another petition was filed by Shri Prasad before the Labour Court for calling for the original of these documents *Exts. W* 3 to *W* 11 from the persons named therein, but the said petition also was rejected on 22nd May 1962. The Labour Court in its order dated 22nd May 1962 *Ext. M* 5, while rejecting Shri Prasad's petition calling for the originals from the Bank mentioned that the Bank contents that when they are not in possession of the documents called for no adjournment can be granted to Shri P asad, and ,therefore, his petition for time and his petition for calling for documents were both rejected. The Labour Court delivered its judgement a month later on 22nd June, 1962, allowing the application for approval filed by the management, *Ext. M* 6. These incidents happened before the Labour Court, and, now let us come to the stage of the Tribunal.

19. *Shri Prasad* filed his written statement on behalf of himself and on behalf of his union on 30th June, 1965, before the Tribunal. In Paras 77 to 81 he mentions about the letters *Exts. W* 3 to *W* 11 and how he received copies of those documents by post from a person who described himself as well-wisher of Shri Prasad, but he did not disclose his identity, referring to *Ext. W* 2. In Para 81 of his written statement Shri Prasad reproduced the letter sent by Shri S. R. Tipnis to the S. P., Dhanbad, on 11th April, 1962, which has now been marked *Ext. W* 16, which I will deal presently. In this letter *Ext. W* 16, Shri Tipnis, the Enquiry Officer refers to the theft of numerous letters that were exchanged between him and his Head Office authorities, obviously referring to *Exts. W* 3 *to W* 11, which were stolen on 27th March, 1962, as informed on 30th March, 1962. In para 82 of his written statement Shri Prasad stated that due to the above report the police took him under custody and searched but as nothing was found he was released. The Bank filed its written statement on 2nd August, 1965, before the Tribunal and in Paras 30 and 31 dealt with Paras 77 to 82 of the written statement of Shri Prasad. In *Para* 30, the Bank, towards the end, said that as Shri Prasad never produced before the Labour Court the copies of the letters, Annexures C-1 to C-9, which are *Exts. W* 3 to W 11, hence it is impossible for the Bank to admit the genuineness of the letters. In *Para* 31 of the written statement the Bank referred to the complaint made by Shri Tipnis to the District Superintendent of Police, Dhanbad, *Ext. W* 16 and said that the action of Shri Tipnis before the police is his matter and not of the Bank, and, therefore, no advantage can be taken by Shri Prasad in making the statements as to his move before the police. In my opinion, the genuineness of *Exts. W* 3 to *W* 11, are not denied by the Bank in their written statement.

20. *Ext. W* 16 is a copy on folios obtained through Court of the letter sent by Express Delivery post by Shri S. R. Tipnis to the District Superintendent of Police, Dhanbad, regarding theft of files containing confidential correspondence of the case: *The Central Bank of India, Limited* Vs. *Shri Shiv Shankar Prasad*, on 27th March, 1962, from the Court Room of Dhanbad. As this letter *Ext. W* 16 is very important and as there can be no doubt about its genuinessess, particularly because it was sent from Indore to the District Superintendent of Police, Dhanbad, I think it would be useful to reproduce the whole of it. It runs like this: "In further reference to my letter No. 2/94 of 8th April, 1962, I understand from our Muzaffarpur office that Mr. Sheo Shankar Prasad has filed an application on the 5th April, 1962, in the court of the Presiding Officer, Central Government Labour Court, Dhanbad, *giving therein reference to the numerous letters that were exchanged between me and my Head Office authorities. All these letters were filed in the two files with blue and red covers that were stolen on the 27th March, 1962, along with the third file* (details of which already communicated to you *vide* my letter No. 2/85 of 30th March, 1962). The reference of all these letters in the application submitted by Mr. Sheo Shankar Prasad does not leave any place for doubt of their having been stolen away by none else but Mr. Sheo Shankar Prasad. I have, therefore, now to request you to please take into custody the files from the aforesaid Mr. Sheo Shankar Prasad and take necessary steps against him for committing the theft.".

"I should feel very much obliged if immediate steps are taken in the matter, lest he may do away with the said files.".

In the above letter, *Ext. W* 16, there is a reference to another letter of Shri Tipnis dated 8th April, 1962, but that has not been filed but the fact that such a letter was sent is clear from the fact that on the top of this letter there is a note *"Put up previous correspondence."*. In my opinion, it is too late now for the Bank to deny the fact that these correspondences, *Exts. W* 3 to *W* 11, did not pass between the three persons named earlier of the Bank on behalf of the Bank in respect of the departmental enquiry against Shri Prasad.

21. Before the Tribunal an application, supported by an Affidavit dated 2nd December, 1965, was made on 4th December, 1965, by Shri Prasad to call for the originals of the above documents from the persons concerned, wherein in *Annexure 'I'* specification of thirteen documents, which were in the custody of Shri Tipnis, Chief Agent of Central Bank of India, Indore, were mentioned, in *Annexure 'II'*, the documents which were in the custody of Shri N. A. Wazifdar, were mentioned; in *Annexure 'III'* the documents which were in the custody of Shri F. C. Cooper, were mentioned. According to the prayer of Shri Prasad notices were issued to the persons concerned. To this petition the Bank on 31st January, 1966, filed a rejoinder praying that the petition be rejected. I, however, issued notices to the persons concerned to file the documents called for. In response to the notice, *Shri S. R. Tipnis* sent a petition on 10th March, 1966, saying that he had no recollection as to the existence or otherwise of the said papers nor is he in possession of the same with regard to Items 1, 2, 3, 4 and 5 of Annexure 'I'. With regard to Items Nos. 6 to 9 of Annexure 'I', which were described as original "private' and confidential" letters between the dates 18th March, 1958, to 17th March, 1960, Shri Tipnis submitted that he had no recollection as to the existence or otherwise of such letters and hence they were not in his possession or custody. With regard to Items 10 to 13 of Annexure 'I', which were filed at the departmental enquiry by him, he said that these documents were marked D-1 to D-4 at the enquiry and those are not in his custody but have formed a part of the proceeding of the enquiry. From this letter of Shri Tipnis, therefore, it will appear that he has not asserted that these letters are fabricated and forged and he had not the courage to say that they were not genuine. Shri *N. A. Wazifdar* sent a letter, in responce to the notice, supported by an Affidavit, in which he said that he did not have those letters in his possession and he had no recollection about them. From the above letter of Shri Wazifdar it will also appear that he too did not deny the genuineness of these letters but he took shelter under his bad memory and said that he had no recollection of these letters. The Bank filed a petition dated 29th January, 1966, in which it said that Shri F. C. Cooper expired on 18th January, 1966, in Bombay after short illness, and, therefore, the notice of the Tribunal could not be attended to. From the above facts, in my opinion, the genuineness of the letters *Exts. W* 3 to *W* 11 are established beyond any reasonable doubt. The genuineness of *Ext. W* 16 was not challenged, and it could not be, because it was a Court record. No doubt *Ext. W* 2 is an anonymous letter, bearing no date, neither the name of any person to whom it was addressed, but on the statement of Shri Prasad it appears that this was the forwarding letter with which other documents were sent to him by post and I do not find any reason to reject this statement and in this view *Ext. W* 2 also should be considered to be genuine. The question as to what is the effect of *Exts. W* 3 to *W* 11 on the enquiry held by Shri Tipnis will be considered hereinafter.

22. Shri Prasad, on behalf of himself and his Union challenged the domestic enquiry by Shri Tipnis and submitted that it was vitiated, because (1) there was lack of good faith on the part of the management, (2) it was a case of victimisation of the concerned workman, (3) the workman was being prosecuted for lawful trade union activities, (4) the management was guilty of basic error and of violating element of natural justice, and (5) the finding of the Enquiry Officer was perverse. I will examine these points one by one in order to find out if there is any substance in the objection of Shri Prasad.

Re. (1):

23. Shri Prasad contended that when he was convicted on 1st October, 1956 he was dismissed on his conviction by a letter dated 22nd October, 1956 *Ext. M* 15 with effect from 1st October, 1956, and, therefore, after his acquittal on 14th November, 1957 by the High Court *Ext. M* 2 he should have been re-instated and his application for re-instatement *Ext. M* 18 made on 23rd November, 1957 should have been allowed but this was not done and, therefore, it is a clear proof of bad faith on the part of the management, because the management was determined to get rid of him due to his lawful trade union activities. In this connection, he relied on Paras 505, 521(2)(b), and 521(9) and (11) of Sastry Award. In reply, Shri Barua, on behalf of the Bank, relied on Para 521(2)(c) and (d), and submitted that as Shri Prasad was acquitted by being given the benefit of doubt by the High Court it was open to the Bank to take disciplinary action against Shri Prasad under the provision set out in Para 521(9) and (10) as provided by Para 521(2)(c) and (d) of Sastry Award, and, therefore, there was no lack of good faith on the part of the Bank. It was further contended that Para 505 was complied with by the Bank and the Bank had absolute discretion to discharge the concerned workman after framing a charge against him and holding an enquiry into the said charge and after he had been found guilty of *"gross misconduct"* within the meaning of Para 521(4)(a) of Sastry Award.

24. In order to appreciate the contentions of both sides, it would be useful to read Para 505 and Para 521(2)(c) and (d) and (9) and (11) of Sastry Award, one after another, for the sake of convenience.

25. *Para* 505 *is in these terms*:

> "505. As already stated, we have tried to follow the regulations prescribed by the Sen Tribunal with modifications. We are very particular that a verdict of acquittal passed by a competent court of law should not be lightly thrown aside by the bank management in trying to institute departmental enquiries after the acquittal, as it would amount to a double trial in respect of the same offence. We have occasionally come across instances where a bank management has persisted in its application under Sec. 33, in spite of an acquittal by an ordinary court of the land after a full trial. The decisions of our courts are entitled to the highest respect and the *bank management should reinstate an employee who is honourably acquitted* and pay him his full salary and allowances. The acquittal should not be lightly challenged by departmental enquiries for disciplinary action unless the bank management feels that there has been such a gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has been already acquitted. If after the departmental enquiry the management still feels that the employee cannot continue in its service it can terminate his services only on payment of three months' salary and allowances in lieu of notice."

Para 505 says that a verdict of acquittal passed by a competent court of law should not be lightly thrown aside by the Bank management in trying to institute departmental enquiries after the acquittal as it will amount to a double trial of the same offence. It further provides that the decisions of court are entitled to the highest respect and the bank managements should reinstate on employee, who is honourably acquitted and pay him his full salary and allowances. In reply to Para 505 it was contended by Shri Barua, on behalf of the Bank, that, in the instant case, Shri Prasad should have *been given the benefit of doubt* and on that ground having been acquitted he cannot be said to have been *"honourably acquitted"* within the meaning of Para 505 of Sastry Award, and, therefore, Para 505 has no application, and, as such, to his case Para 521(2)(c) of the Sastry Award is applicable. This contention of the Bank seems to be correct on the plain language of Para 505 of Sastry Award for the simple reason that as Shri Prasad was given the benefit of doubt Para 505 cannot be said to be applicable to him. I may mention here that Sastry Award has made a distinction between *"honourably*

acquitted" and *"acquitted by being given the benefit of doubt,"* although in law there is no difference between the two kinds of acquittal, because in both cases it is an acquittal for all purposes. In the ordinary course, as observed by the Supreme Court in *Workmen, U.P. State Electricity Board* Vs. *Upper Ganges Valley Electricity Supply Co.*, 1966(12) F.L.R. 231, the dismissal of an employee is not valid after his acquittal because there was no valid reason for not employing him and re-instating him. But here we are confronted with the Sastry Award which has made a distinction in Para 505 where he has spoken of *"honourably acquitted"* and in Para 521(2)(c) where he has spoken of *"acquitted by being given the benefit of doubt."* The Sastry Award on the above question remains intact and unaffected by the subsequent Bank Award in 1962 known as *Desai Award.* I have, therefore, to take the Sastry Award, as it is. *I, therefore, hold that Para 505 is not applicable to Shri Prasad as contended by the Bank.*

26. It is better to read Para. 521(2)(a) to (d) in order to have a complete picture of the matter which are to the following effect:

> "521. A person against whom disciplinary action is proposed or likely to be taken should, in the first instance, be informed of the particulars of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. Final orders should be passed after due consideration of all the relevant facts and circumstances. With this object in view we give the following directions:—
>
> * * * * *
>
> (2)(a) When in the opinion of the management an employee has committed an offence, unless, he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted; and in such a case he may be suspended.
>
> (b) If he be convicted he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment as mentioned in sub-paragraph (5) below;
>
> (c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in sub-paragraphs (9) and (10) *infra* relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full pay and allowances *minus* such subsistence allowance as he has drawn and to all other privileges for the period of suspension; *provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such* pay and allowances as the management may deem proper, and the period of his absence shall not be treated as a period spent on duty unless the management so direct.
>
> (d) If he prefers an appeal or revision application against his conviction and is acquitted, in case he had already been dealt with as above, and he applies to the management for reconsideration of his case, the management shall review his case and may either reinstate him or proceed against him under the provisions set out below in sub-paragraphs 9 and 10 *infra* relating to discharge, and the provisions set out above as to pay, allowances and the period of suspension will apply, the period up-to-date for which full pay and allowances have not been drawn being treated as one of suspension. In the event of the management deciding, after enquiry, not to continue him in service, the employee shall be liable only for termination with three months' pay and allowances in lieu of notice, as directed above."

Para 521(c), therefore, provides that if the employee is acquitted, it shall be open to the management to proceed against him under the provisions set out in sub-paragraphs 9 and 10 of Para. 521, where the procedure is laid down, relating to discharge. It further provides that in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. Then there is a proviso to the effect that if he is *"acquitted by being given benefit of doubt"* on which, in the instant case, the Bank relies, he may be paid such portion of pay and allowances as the management may deem proper and the period of his absence shall not be treated as a period spent on duty unless the management so direct It was further contended relying on Para. 521(2)(c) of Sastry Award by Shri Barua that because the concerned workman Shri Prasad was acquitted by being given

the benefit of doubt he was not entitled to reinstatement but he shall be liable only for termination of service with three months' pay and allowances as mentioned therein and as such the Bank acted in good faith and quite legally in accordance with Para. 521(2)(c) of Sastry Award in terminating the services of the concerned workman.

Shri Prasad, the concerned workman, however, relied on Para. 521(2)(d), quoted above, and, submitted that because he preferred an appeal against his conviction and was acquitted he was entitled to reinstatement when he applied for reinstatement on 23rd November, 1957, by his application *Ext. M.* 18, because Para. 521(2)(d) does not speak of acquittal by being given the benefit of doubt, and, therefore, the work "acquitted" in Para. 521(2)(d) means acquittal whether by being given the benefit of doubt or without it.

The simple answer to the above contention of Shri Prasad is that Para. 521(2)(d) itself gives a discretion to the Bank either to reinstate his employee or to proceed against him under the provisions set out in Paragraphs 9 and 10 of Para. 521 of Sastry Award relating to discharge and Para. 521(2)(d) further provides that the management in the event of deciding after enquiry not to continue him in service the employee shall be liable only for termination with three months' pay and allowances in lieu of notice as mentioned therein.

On reading Para. 521(2)(c) and (d) it appears to me that the Bank by serving a chargesheet on the concerned workman Shri Prasad *Ext. M.* 21 on 5th April, 1958 and instituting the enquiry into the said chargesheet did not act illegally or in contravention of the Sastry Award, and, therefore, simply because the Bank did not reinstate the concerned workman on being acquitted by being given the benefit of doubt as asked for by Shri Prasad, the concerned workman, on 23rd November, 1957, by his application *Ext. M.* 18, it cannot be said on that ground alone that there was want of good faith on the part of the Bank. I, therefore, hold that there was no lack of good faith on the part of the management in not re-instating Shri Prasad on his acquittal. The question whether there was good faith in prosecuting Shri Prasad and whether his prosecution amounted to an act of Victimisation will be considered separately hereinafter.

Re. (2):

27. Shri Prasad contended that it will appear from the High Court judgment *Ext. M.* 2 that Shri Asit Mazumdar, one of the co-accused, was the real person responsible for the fraud, but he was not chargesheeted and this act of the management is a definite proof of discrimination on the part of the management and the fact that the management drew up a proceeding against the concerned workman was an act of victimisation. It was further submitted that another co-accused of Shri Prasad, Shri D. C. P. Verma, was reinstated with full wages, but Shri Prasad was singled out for being proceeded against in a departmental proceeding simply because he was the General Secretary of the Union and a founder member of the union. It was further submitted that the Hon'ble High Court in its judgement *Ext. M.* 2 (*Under subsequent conduct* 3(*a*) has observed; that "P.W. 4, J. Nath, Agent, Central Bank of India, Ballygunge Branch, admitted that as Secretary of the Provincial Branch of the Employees' Union, Sheo Shankar (this concerned workman) had to help employees at times and to criticise the management". Relying on this fact it was contended that this fact clearly shows his victimisation was because of his being General Secretary and founder member of the union.

In reply, Shri Barua, on behalf of the Bank, contended that Shri D. C. P. Verma was honourably acquitted, and, therefore, he was reinstated, and, likewise, Shri Asit Mazumdar was discharged and therefore, he also was allowed to resume duties and as such there was no discrimination on the part of the Bank. In this connection Shri Barua relied on the following facts:

Six persons were arrested by police out of these only three, namely, Sheo Shankar Prasad, the concerned workman; D. C. P. Verma and S. N. Sarkar were sent up for trial and the other three, namely, Asit Mazumdar, Rameshwar Prasad, and Samalendra Nath Sarkar were all discharged and therefore Asit Mazumdar was allowed to resume duty. Both Shri Prasad and Shri S. N. Sarkar were convicted by the Sessions Court but later were acquitted by being given the benefit of doubt, and, therefore, both of them were discharged from Bank's service after serving chargesheets on them and instituting enquiries into them and after they had been found guilty of gross misconduct. It was further submitted by Shri Barua that the Bank was not the complainant but the State was the complainant as it was a police case and for these reasons he submitted that there was no case of discrimination or victimisation either.

The fact that the concerned workman, Shri Prasad, was the founder member of the Union, called the Bihar Provincial Central Bank of India Employees' Association and he was its General Secretary is not denied by Shri Barua the list of the Office-Bearers of the Union selected on 5th/6th June, 1960 attached to the Resolution *Ext. W.* 13. shows that the concerned workman Shri Prasad was elected General Secretary of the said union at its general meeting held on 5th/6th June, 1960. The list of Office-Bearers attached to the Resolution *Ext. W* 14 shows that on 15th/16th August, 1964 there was only a Conference of the Union at Muzaffarpur at which the concerned workman Shri Prasad, was again elected General Secretary. This was, of course, after his discharge on 18th July, 1960. Coupled with the above facts is the letter *Ext. W* 6 marked *'Private and Confidential'*, dated the 2nd June, 1960 of Shri S. R. Tipnis from Indore to Shri N. A. Wazifdar, Bombay, regarding the completion of Departmental Enquiry in the case of Shri Prasad, in which Shri Tipnis said: *"During the Enquiry I had found Shri Prasad to be difficult and argumentative. He is always well briefed and knows thoroughly his rights and legal remedies and is capable of adopting any tactics which suit him.* After the findings are read, I except he would ask for a copy of the same." In *Ext. W* 9, the letter from Shri S. R. Tipnis, the Enquiry Officer, to Mr. Cooper, Deputy Manager of the Bank at Head Office, Bombay, on 13*th June*, 1960, regarding findings in the Departmental Enquiry against Shri Prasad, in Para 4, Shri Tipnis suggests that on page 40 the following words on lines 6 and 7 in the proposed findings, as suggested by the Head Office at Bombay, *"which is equivalent to entertaining grave doubt as to the honesty of Shiv Shankar Prasad"* should be deleted because such a categorical statement was unnecessary. In Para 5 Shri Tipnis suggested that the next sentence may be more cautiously worded as under:

> *"An employer could never be happy with an employee whose conduct at any time has given grounds for a reasonable suspecion."*

Shri Tipnis in his letter dated the 10th June, 1960 *Ext. W* 8 sent instructions and a copy of his findings to Shri Cooper for his approval and Shri Cooper conveyed in his letter dated 17*th June*, 1960 *Ext. W* 10 to Shri Tipnis his approval of the findings. From thes facts, and taking an overall picture of the whole thing from the begining to the end, the sum total impression of the evidence left on the mind is that there is no doubt that Shri Prasad was not liked by the Bank for his trade union activities and, in such a situation, therefore, it is not at all surprising that the Bank would naturally like, as far as possible, to get rid of such a strong headache to the Bank.

28. In the above connection, the observation of His Lordship Mr. Justice Gajendragadkar (as then he was) who Spoke for the Court, in *Kharda and Co. Ltd. Vs. Its Workmen*, 1963(ii) L.L.J. 452, at page 456, may appositely be read here. His Lordship observed:

> "In this connection it is necessary to point out that unlike domestic enquiries against public servants to which Art. 311 of the Constitution applies, in industrial enquiries, the question of the *bona fides or mala fides* of the employer is often at issue. If it is shown that the employer was actuated by a desire t o victimise a workman for his trade union activities, that itself may, in some cases, introduce an infirmity in the order of dismissal passed against such a workman. The question of motive is hardly relevant in enquiries held against public servants—*vide Union Territory of Tripura and another V. Gopal Chandra Dutta Choudhuri* (A.I.R. 1958 S.C. 601). That is another reason why domestic enquiries in industrial matters should be held with scrupulous regard for the requirements of natural justice. Care must always be taken to see that these enquiries are not reduced to an empty formality." (Underlined by me).

The present case is a clear example where the Bank was actuated by a desire to victimise Shri Prasad for his trade Union activities and as remarked by the Enquiry Officer in his letter dated 2nd June, 1960 to Shri Wazifdar *Ext. W* 6 Shri Prasad, being "difficult and argumentative" and "always well briefed and knows throughly his rights and legal remedies capable of adopting any tactics which suit him", he was made to pay the penalty for his ability and capacity and, therefore, Shri Wazifdar in his letter dated the 18th March 1958, *Ext. W* 3, to Shri Tipnis, before the enquiry had started on 28th April 1958, after service of Show Cause notice on him on 13th January 1958, *Ext. M* 19 and the service of the chargesheet *Ext. M.* 21 *on 5th April*, 1958 on him, wrote that "You (*i.e.* Shri Tipnis, the Enquiry Officer) should on the basis of the above documents *come to an affirmative finding as to their gross misconduct* in respect of Charge No. (1) against both of them and pass orders of discharge on both of them as per the directions *vide* Para 505 of the Sastry Award....." Shri Prasad was already dismissed w.e.f. 1st October, 1956 by letter dated 22nd October, 1956 *Ext. M* 15 in his conviction, but subsequently the said dismissal dated 22nd October, 1956 was set aside on 7th July 1960 by a letter

dated 7th July, 1960 *Ext. M.* 36 and he was discharged from the Bank's service w.e.f. 18th July, 1960 by a letter dated 18th July, 1960 *Ext. M* 17.

Taking an impartial, unbassed view of the evidence on the record, in my opinion, there appears no manner of even any reasonable doubt in the mind that all the *high ups of* the Bank joined hands any how to get rid of Shri Prasad, a great eye sore to the Bank, and, therefore, Coached up their Enquiry Officer from before the enquiry started on 28th April, 1960, by giving all possible directions and instructions, as will appear, for instance, from Ext. W. 3 dated 18th March, 1958 and got a made-to-order report Ext. M. 16, with approved findings, ready and final and it was delivered on 7th July, 1960 (See Ext. M. 4 dated 7th July, 1958; Ext. W. 10 dated the 17th June, 1960 and Ext. W. 7 dated the 17th June, 1960). The letters Exts. W 3 to W 11 leave no manner of doubt that the Bank was determined to get a verdict of guilty returned against Shri Prasad in order to terminate his service. The above documents and the other facts of circumstances, referred to above, in my opinion, prove sufficiently that the Bank was actuated by the motive of victimisation in starting a proceeding against the concerned workman, because he was considered turbulent and not a "Yes Man" of the Bank in order to get rid of him.

For the reasons given above, therefore, I hold that although there was no discrimination on the part of the Bank in starting a proceeding against the concerned workman, but, certainly, the Bank was guilty of victimisation in prosecuting the concerned workman simply, and only, because of his influence in the union and his trade union activities, *which were not denied before the Tribunal.* The domestic enquiry, in the instant case, was nothing but an empty formality, a mere show, travesty of justice and up-heard of.

Re. (3)

29. It was contended by Shri Prasad that he was victimised because of lawful acts performed by him on behalf of the workmen and in their interest as General Secretary of the union in which capacity he had to criticize the management, as admitted by P.W. 4, Shri J. Nath, Agent, Central Bank of India, Ballygunge and, as mentioned in the High Court judgment, *Ext. M.* 2, on this question, no argument was advanced on behalf of the Bank, and, therefore, for the reasons given under the second objection decided above, I hold that Shri Prasad was victimised for the reasons given above as proved by the documents mentioned above for his trade union activities, which he was perfectly justified in doing and carrying on as General Secretary of the Union for the benefit and welfare of the workmen, who were the members of his union, however, irksome it might have been to the Bank.

30. It was contended by Shri Prasad that no witness was examined by the Bank at the domestic enquiry before the Enquiry Officer to prove any of the two charges against him, but, what the Bank did was that it filed certified copies of the *depositions of P. W.* 29—Md. *Idrish; P. W.* 30—Surya Narain Sarma and *P.W.* 23—Dayanand Singh, examined before the Sessions Court, without examining PWs. 29, 30 & 23, before the Enquiry Officer also, besides, Shri Prasad's explanation *Ext. M.* 20 filed on 18th February 1958, before the Bank at Muzaffarpur, and, his written statement recorded under Section 342 of the Cr. P.C. *Ext. M.* 25 before the Sessions Judge, in support of the Charge No. 1. Shri Prasad contended that it was illegal and this procedure adopted by the Enquiry Officer and in referring to the depositions of witnesses recorded in the Sessions Courts without examining the witnesses at the enquiry was illegal and this vitiated the enquiry. Shri Prasad further submitted that he neither in his explanation dated 18th February 1958 *Ext. M.* 20 nor in his written statement under Sections 342 of the Cr. P.C.. *Ext. M.* 25 admitted that he was owner of any rickshaw factory or any flour mill. With regard charge No. 2, it was contended by Shri Prasad that the Bank relied on the evidence of P.Ws. 1, 4, 6, 8, 11, 12, 14, 17, 20, 23, 29 and 30, before the Sessions Court and also on his written statement *Ext. M.* 25 in the Sessions Court, but all these witnesses were disbelieved and their evidence was rejected by the High Court, as it will apapear from *Ext. M.* 2, and therefore, in the absence of these witnesses it was most irregular for the Enquiry Officer to rely on the depositions of these witnesses, who had been held unreliable and who had given their evidence before the Sessions Court and not before the Enquiry Officer. For these reasons, it was contended that the finding of the Enquiry Officer in support of both the charges was vitiated.

31. In reply, Shri Barua, on behalf of the Bank, contended that the Bank depended mainly on the concerned workman's own statement before the Sessions Court, *Ext. M.* 25, wherein there are his admissions by which both the charges are proved against him, and, therefore, the fact that the witnesses certified copies of

whose depositions given before the Sessions Court were put in before the Enquiry Officer, were not examined by the Bank was of no consequence at all and may be ignored. In this connection, he very strongly relied on the observation of Maugham, J., in *Maclean* Vs. *The Workers' Union* (1962) I Ch. 602, at pages 620-621.

I may mention that Shri Barua did not attempt to justify the discharge by leading evidence before the Tribunal, but he contented himself with producing the evidence at the enquiry proceeding and subsequently relying only and mainly on *Exts. M.* 2, *M.* 20 *and M.* 25 and urged that the enquiry was properly held and that the Tribunal had no jurisdiction to sit in appeal over the finding recorded at the said enquiry and the order of discharge passed in consequence of the said finding. The answer to this is the decision of the Supreme Court in *Associated Cement Companies Ltd.* Vs. *Their Workmen* 1963(2) LLJ 396. In the above case, His Lordship Gajendragadkar, (as then he was), speaking for the Court at page 399, observed:

> "It is true that domestic enquiries need not be conducted in accordance with the technical requirements of criminal trials, but they must be fairly conducted and in holding them, considerations of fairplay and natural justice must govern the conduct of the enquiry officer." (Underlined by me).

32. Shri Barua, in the alternative, also contended, relying on the decision of the Supreme Court in *workmen of the Motipur Sugar Factory Private Ltd.*, Vs. *Motipur Sugar Factory Private Ltd.*, A.I.R. 1965, 1803, at page 1808, 1966 B.L. J. R. 258 that if the Tribunal held that the domestic enquiry was not proper and fair, the Tribunal could give an opportunity to the Bank to prove its case to do justice between the parties without relying too much on technical considerations. It was admitted by the Bank, and it could not possibly be disputed, that these witnesses, that is, P.W. 29, P.W. 23, and, P.W. 30, before the Sessions Court, regarding *charge No.* 1, and P.Ws. 1, 4, 6, 8, 11, 12, 14, 17, 20, 23, 29 and 30 in respect of *charge No.* 2 before the Sessions Court, were disbelieved and not relied upon and their evidence were held unreliable by the Hon'ble High Court, as will appear from the High Court Judgment *Ext. M.* 2. Realising this inherent infirmity and weakness and *unsurmountable difficulty* in the Bank's case Shri Barua, contended that he relied soley on the written statement of the concerned workmen, Shri Prasad, under Sec. 342 Cr. P.C. *Ext. M.* 25 recorded by the Sessions Court in respect of both the charges and also on his explanation dated 18th February 1958 *Ext. M.* 20 filed before the Central Bank of India, Muzaffarpur, in respect of charge No. 1, which fully supports both the charges. Shri Barua, therefore, asked me to consider only these two documents *Exts. M.* 20 *and M.* 25 and on their basis to find out if the finding of gross misconduct recorded by the Enquiry Officer in his Enquiry Report dated 7th July 1960, *Ext. M.* 16 was correct,

33. If my finding that *Exts. W.* 3 *to W.* 11 *and W.* 16 are genuine is correct, as I hope it is, because it is proved beyond doubt by *Ext. W.* 16 itself referred to in detail before apart from the other documents, that *Exts. W.* 3 *to W.* 11 are genuine, then the facts, which merge from these documents, are—

(i) That regarding *charge No.* 1 the Enquiry Officer was made pre-determined and Coached up and asked on 18th March 1958, as will appear from *Ext. W.* 3, by Shri N. A. Wazifdar from Bombay to "*come to an affirmative finding as to their gross misconduct in respect of charge No.* 1 *against both of them*, (we are not concerned with the other accused Shri S. N. Sarkar here) and pass orders of discharge on both of them as per the directions *vide* Para 505 of the Sastry Award." In Ext. W. 3, the Enquiry Officer requested "to peruse carefully the wording of the said Para and try to fit in your finding with the actual phraseology as appearing in the latter part of the Para." This letter *Ext. W.* 3 was sent on 18th March 1958, although the enquiry was held on 24th August 1958 by Shri S. R. Tipnis; and *regarding Charge No.* 2, as will appear from *Ext. W.* 3 itself, Shri N. A. Wazifdar asked Shri Tipnis, the Enquiry Officer, to do as below:

> "But as the High Court after examining all the evidence has given them the benefit of doubt and on that basis acquitted them, you can say in your order that without meaning any disrespect to the decision of the High Court, it would be inexpedient, if not dangerous to the interest of the Bank to retain such persons in the employment of the Bank which is essentially a credit institution."

Just imagine the situation; the enquiry has not yet been held; the evidence before the Enquiry Officer has not yet been given; the enquiry is yet to be held more than five months later on 24th August 1958; the top Bank Official Shri N. A. Wazifdar of the Branches Inspection Department of Head Office, Bombay, makes a rehearsal of the whole show to see how the Enquiry Officer will shape and acquit

himself according to the wishes of the top officials of the Bank. Could it be said to be justice? Could this procedure followed be said to be in accordance with the principles of natural justice where prejudice reigned supreme and impartiality, fair play, went to the winds;

(ii) On 7th July 1958, after the enquiry had started on 28th April 1958 and before the enquiry report was given on 7th July 1960 Shri Tipins, the Enquiry Officer, sent a letter to Shri N. A. Wazifdar, *Ext. M.* 4, enclosing his findings in respect of charge No. 2 against Shri Prasad and another, saying that they had to be redrafted after he had consultations with the Legal Adviser, Mr. Asayaker during his last visit to Bombay. Thereafter, Shri Tipnis says:

> *"Please advise me your approval of the entire findings.* If any suggestions are to be conveyed the same may please be communicated to me at Indore on or before the 12th instant. If not they may be sent to Patna when I shall reach on the 14th evening and leave in the afternoon of the 15th instant for Muzaffarpur. I have already advised Head Office of having fixed 16th instant as the date to give the findings at Muzaffarpur in the Bank premises."

(iii) On 2nd June 1960, after the second prosecution of Shri Prasad had been quashed *Ext. W.* 12 and before the enquiry report was given on 7th July 1960 *Ext. M.* 16 by Shri Tipnis, Shri Tipnis, wrote a letter marked 'Private and confidential' on 2nd June 1960 *Ext. W.* 6 to Shri N. A. Wazifdar regarding completion of departmental enquiry in the case of Shri Prasad. In this letter, *Ext. W.* 6 he said, as has been reproduced earlier also:

> "During the enquiry I had found Shri Prasad to be difficult and argumentative. He is always well briefed and knows thoroughly his rights and legal remedies and is capable of adopting any tactics which suit him. After the findings are read I expect he would ask for a copy of same."

Thereafter, he mentions other matters and wants to know what other procedure should be followed;

(iv) On 17th June 1960 Shri F. C. Cooper, Deputy Manager, of the Bank, at Head Office Bombay, wrote a letter from Bombay to Shri Tipnis *Ext. W.* 7 asking Shri Tipnis that: *"Since there is now sufficient time please sent us early a copy of the findings in this case for our approval."* Thereafter, Shri Cooper advised Shri Tipnis that the concerned workman Shri Prasad may be given some time to submit what he has to say in writing regarding the proposed punishment so that no unnecessary difficulty may be created later on;

(v) On 10th June 1960 Shri Tipnis wrote a letter to Shri Cooper *Ext. W.* 8, in reply to Shri Cooper's earlier letter *Ext. W.* 7, that he had noted his instructions and *he was enclosing a copy of the findings for his perusal and his approval may please be advised at an early date;*

(vi) On 13th June 1960 Shri Tipnis wrote a letter marked 'private and confidential' *Ext. W.* 9 to Shri Cooper saying that he had closely read the findings and he feels that the changes mentioned therein are advisable and may be allowed to be made. Later on, in Para 5 of his letter, he says that the next sentence may be more cautiously worked as under:

> *"An employer could never be happy within employee whose conduct at any time has given grounds for a reasonable suspicion."*

Thereafter, he suggests that the following words appearing at the end of page 40 and beginning of page 41 may also be deleted for reason stated above under (4) "which in other words amounts to entertaining a grave doubt about the honesty of Shiv Shankar Prasad."; and

(vii) On 17th June, 1960 Shri Cooper wrote a letter marked 'private and confidential' *Ext. W.* 10, in reply, to Shri Tipnis's letter *Ext. W.* 8, saying that *"we approve your findings with the necessary amendments as suggested* in your D.O. letter No. 10, dated 13.6.60." (*i.e. Ext. W.* 9)

34. The above facts, which we get from *Exts. W.* 3 *to W.* 10, therefore, prove, in my opinion, beyond any reasonable doubt that the Enquiry Officer was not at all an impartial and an unprejudiced and unbiased officer, but he was only a puppet in the hands of the Bank and was made to return a verdict of guilty, as desired by the Bank, in the manner suggested by the Bank's higher authorities. The Enquiry Officer, it appears, had sold his conscience and had no individuality of his own and he was completely a *"Yes Man"* of the Bank. I quite appreciate that in order to retain his service and to get promotion he had to do against his conscience and to act according to the dictations of his Bosses. But for this the

workman cannot suffer. For these reasons, the Enquiry Officer was not at all the proper person to hold the enquiry and on this ground alone his enquiry report is vitiated and cannot at all he upheld and held to be fair and proper and just. If he would have been an impartial, independent, unprejudiced and unbiased officer, he had no business to seek confirmation of his findings from the top officers of the Bank, to seek instructions from them as to what he should do and what he should not. He should not have entertained the request of Shri N. A. Wazifdar conveyed to him in *Ext. W.* 3 to come to an affirmative finding as to the gross misconduct of Shri Prasad in respect of charge No. 1 and in regard to charge No. 2 and to say that it would be inexpedient, if not dangerous, to the interest of the Bank to retain such persons in the employment of the Bank, which is essentially a credit institution. I may observe that I have never come across such a domestic enquiry held in such a perverse manner.

I have, therefore, no hesitation in upholding the objection of the workman, Shri Prasad, and in holding that the domestic enquiry was not at all fair and proper and in accordance with natural justice, and, that it was vitiated by the several infirmities pointed out above, and, therefore, it must be set aside and accordingly, I set it aside.

35. The next question is, what then should be done. I asked the Bank repeatedly if it would like to adduce evidence before the Tribunal, but, it refused to do so, and, therefore, instead of relying on the oral statement of Shri Barua I asked him to file a written petition to that effect, and, accordingly, both the Bank and Shri Prasad filed petitions on 12th March, 1966 saying that none of them propose to examine any witness before the Tribunal either regarding charge No. 1 or Charge No 2. The Bank, however, later on, sent a petition, which was received on 21st March, 1966 under a registered cover, in which the Bank reiterated its stand and re-stated the reasons for not examining witnesses in respect of any charge before the Tribunal. Shri Barua also asked me to read for myself the written statement of the workman under Section 342 Cr. P. C. before the Sessions Court *Ext. M.* 25 and his statement before the Bank filed on 18th February 1958 *Ext. M.* 20 and to find out if the Bank's contention that there were admissions of the concerned workman in these two documents, which proved to the hilt at least charge No. 1 is concerned, is correct. To this request I casually remarked that if the enquiry be held to be invalid and is not sustained, I do not think it would be proper for me to look into the papers of the enquiry when no fresh evidence has been adduced before the Tribunal, because in doing so, it may be said that I was acting as an appellate court sitting in appeal over the finding of the Enquiry Officer. At the instance and on the instance of the Bank I have, however, looked into the two documents, *Exts. M.* 20 *and* 25 *on which alone the Bank relied* to prove the charge No. 1, *as it did not press charge No.* 2 *and gave it up.* Let us see how far the contention of the Bank can be upheld. After deciding this question, I will deal with the *Motipur Sugar Factory case* on which alone very strong reliance was placed by Shri Barua.

36. Paragraph 521(4)(a) of Sastry Award is in these terms:

"521. A person against whom disciplinary action is proposed or likely to be taken should, in the first instance, be informed of the particular of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. Final orders should be passed after due consideration of all the relevant facts and circumstances. With this object in view we give the following directions:—

* * * * * *

(4) By the expression *"gross misconduct"* shall be meant any of the following acts and omissions on the part of an employee:

* * * * * *

(a) engaging in any trade or business outside the scope of his duties except with the permission of the Bank;"

* * * *

The chargesheet issued on 5th April, 1958 against Shri Prasad *Ext. M.* 21 specifies the two charges against him for which he was proceeded against and the departmental enquiry was instituted. These two charges were:

Charges

"(1) It has been established in the course of the trial before the Sessions Court at Muzaffarpur in the Sitamarhi Fraud Case that *Shri Shiv Shankar was owner of a rickshaw factory and a flour mill at Muzaffarpur and the same has been admitted by him in his statement before the said court. While he was in the service of the Bank he engaged himself in trade or business outside the scope of his duties without*

the permission of the Bank, which amounts to gross misconduct *vide* para 521(4)(a) of the Sastry Award."

"(2) The facts that came to light from the evidences recorded during the trial in the Sessions Court in the Sitamarhi Fraud Case as also the movements and conduct of Shri Shiv Shankar Prasad before, on and subsequent to the date of the fraud would go to show that his conduct in the above fraud was not clean and above board. This has been further confirmed by the fact that he has not been honourably acquitted by the High Court at Patna of the charges levelled against him but has been acquitted as having been given the benefit of doubt by the said High Court."

As the second charge, quoted above, has been given up and not pressed finally at the hearing and Shri Barua, on behalf of the Bank, has concentrated *only and solely* on the first charge, above mentioned, I will deal with it alone and confine myself to it only.

37. The first charge is in accordance with Para 521(4)(a) of Sastry Award, and, therefore, it was alleged that as he was owner of a rickshaw factory and flour mill at Muzaffarpur and the same has been admitted in his statement before the Sessions Court *Ext. M.* 25 he had committed gross misconduct in as much as he has violated Paragraph 521(4)(a) of the Sastry Award. As I said before, Shri Barua does not now rely on the depositions of the witnesses, named before, in respect of Charge No. 1, namely, Md. Idris, *P.W.* 29; Suraj Narayan Sharma, *P.W.* 30; Dayanand Singh, *P.W.* 23; before the Sessions Court, because they were not examined before the Enquiry Officer, and only the certified copies of their depositions were put in before the Enquiry Officer, and, therefore, it is no longer necessary to refer to their evidences. I, therefore, will confine myself *only to two documents*, namely, *Exts. M.* 20 *and M.* 25.

38. In reply to the chargesheet dated the 13th January, 1958 *Ext. M.* 19, Shri Prasad filed his explanation on 18th February, 1958 *Ext. M.* 20 before the Bank. In his explanation *Ext. M.* 20 to the chargesheet, dated 18th February, 1958 in Para 6 he entirely denied that he had made any admission and asserted that the entire assumption that he had made any such admission before the Sessions Court is wrong and, thereafter, he quoted his alleged admission before the Sessions Court and said that the very fact that he has mentioned *"Hamare"* at another place show that these are business of the family to which he belongs and it was incorrect to say that he personally owned Tyre Re-Treading or Rickshaw Factory or *Atta* Mill or indulged in any trade or business outside the scope of his duties. He further asserted in Para 6 that his younger brother Hari Shankar Prasad is the proprietor of a firm called *Shankar and Co.* which fact may be verified from the documents of the Bank itself where the said company maintains an account which is operated by Hari Shankar Prasad as proprietor. In support of this assertion Shri Prasad, as will appear from the Enquiry Report *Ext. M.* 16, filed the following four documents:

1. Licence No. 59 of Muzaffarpur Municipality for running flour mill for year 1954-55, the fees having been paid on 2nd February, 1955.

2. Certificate No. 84 dated 11th January, 1955 of Chief Inspector of Weights, Bihar, describing Mr. Harishankar Prasad as proprietor of Shri Umesh Flour Mill, Muzaffarpur.

3. Treasury Challan No. 599 of 21st November, 1957 of Muzaffarpur Treasury depositing renewal licence fee for Umesh Flour mill, tendered by Mr. Harishankar Prasad.

4. Muzaffarpur Jail Order No. 12 dated 23rd June, 1956 issued to Mr. Hari Shankar Prasad for grinding 50 mds. of wheat.

These documents were rejected by the Enquiry Officer, as will appear from his Enquiry Report *Ext. M.* 16, on the ground, to quote the Enquiry Officer, that: "The Sitamarhi Fraud took place on 28th August, 1953. Mr. Shew Shankar Prasad was arrested by the Policy for alleged complicity in the fraud in November, 1953 and was suspended by the Bank on 11th November, 1953. The dates of the above documents are all subsequent to the date of Mr. Prasad's arrest and suspension and, do not, therefore, give any indication as to whether the flour mill belonged to Mr. Harishankar Prasad right from the beginning. Shri Prasad further relied on the evidence of *P.W.* 31, Shri Moni Bhusan Roy, Inspector of Police, before the Sessions Court, in support of his case, that the rickshaw factory belonged to his brother Shri Harishankar Prasad and at the time of search of the house of Shri Harishankar Prasad documents relating to Shankar Rickshaw Factory were

recovered from his house but those documents were missing from the police Malkhana for obvious reasons. *P.W.* 31, Mani Bhusan Roy on 10th May, 1966 stated: "On search of the house of Hari Shankar one daily expense book of Shankar Rickshaw Factory from 2nd May, 1947 to 2nd October, 1948 and one Cash book from the 29th October to July 31st, 1949 were seized. They were seized to find the connection of Madar Bux with Sheo Shankar. They might be in the Malkhana." Later, P.W. 31-Mani Bhushan Roy—on 18th May, 1966 stated: *"to Court*—the papers recovered from the Rickshaw Factory are missing from the Police Malkhana." Certified copies of the depositions of the witnesses before the Sessions Court, marked Vol. I, pages 1 to 91, at the request of the Bank, were marked in a lump as *Ext. M.* 33. In *Ext. M.* 33, we get the deposition of Shri Moni Bhusan Roy, P.W. 31, the above quotations from his evidence are from, page 170, corresponding to page 46 noted in the margin, and from page 192, corresponding to page 85 in the margin. These facts were not even mentioned or referred to, much less considered by the Enquiry Officer in his report, *Ext. M.* 16. The Enquiry Officer, however, observed in his Enquiry Report, *Ext. M.* 16, at page 26, while considering charge No. 1, thinking that the onus was on the concerned workman to prove the case of the Bank, that: "Besides no documentary evidence has been produced regarding the actual ownership of rickshaw factory or the Tyre-Retreading Co., even though Shri Shiv Shankar Prasad was in a better position to do so than the Bank management." In my opinion, the Enquiry Officer wrongly placed the onus on the concerned workman. It is no doubt true, that domestic enquiries are not in the same category as criminal prosecution or even a Civil proceeding in Court, and, therefore, provisions of the Indian Evidence Act do not apply to such proceedings. Nevertheless, the ordinary principles of proof and also the rules of natural justice must be applied. The charges are to be proved by the prosecution and it is not the duty of the delinquent to prove any part of it. It was, therefore, for the Bank to prove beyond any reasonable doubt that Shri Prasad was the owner of the flour mill as well as of the rickshaw factory, which only formed the subject matter of Charge No. 1. It may be mentioned here that charge No. 1 specifically mentions, and, charges the concerned workman for being owner of a *rickshaw factory* and *a flour mill at Muzaffarpur* and there is no mention whatsoever therein of the Tyre-Retreading Company, but, unfortunately, the Enquiry Officer, as will appear from his report *Ext. M.* 16, allowed his finding to be influenced and prejudiced by extraneous and irrelevant matter and travelled beyond the charge No. 1—*Ext. M.* 21 in considering the Tyre-Retreading Co. also, which was not the subject matter of the charge No. 1 at all. This, in my opinion, is infirmity in the enquiry report of the Enquiry Officer which vitiates it.

Ext. M. 20:

39. It is rather surprising that the Bank, inspite of knowing, as will appear from the evidence of the Inspector of Police, P.W. 31—Shri Moni Bhusan Roy, before the Sessions Court, that from the house of Harishankar Prasad one daily expense book of Shankar Rickshaw Factory from 2nd May 1947 to 2nd October 1948 and one cash book from 19th October 1948 to 31st July 1949 were seized in order to establish the connection of Madar Bux with Shri Shiv Shankar Prasad, which was the subject matter of the charge before the Sessions Court, but those documents vanished from the Government Police Malkhana, the Bank made no attempt to take copies of licences of the Flour Mill from the Muzaffarpur Municipality or of certificates of Chief Inspector of Weights at least of the years prior to 1953, in order to prove that the concerned workman was really the owner and proprietor of the flour mill and not his younger brother Shri Hari Shankar Prasad, as alleged by the concerned workman. The Municipality cannot be said to be a private organisation from which documents cannot be obtained but the Bank did not care at all to take copies of documents from the Municipality either in respect of the flour mill or in respect of the trade in rickshaw in order to prove that these two were owned by the concerned workman and not by his younger brother as alleged. The Enquiry Officer, therefore, has acted illegally and wrongly in placing the onus on the concerned workman to prove the negative that he was not the owner either of the flour mill or of the rickshaw factory. In this respect, therefore, in my opinion, the enquiry report suffers from another infirmity which also vitiates his report.

40. Let us now see if Charge No. 1 is proved by the alleged admissions of Shri Prasad contained in *Exts. M.* 20 or *M.* 25, *Ext. M.* 20, as I said before, was the explanation of Shri Prasad filed on 18th February 1958 in reply to the Show Cause notice *Ext. M.* 19 issued by the Bank on 13th January 1958, before the Chief Agent, Central Bank of India, Muzaffarpur. In this explanation *Ext. M.* 20, in Para 6 he has in emphatic terms denied that he has ever made the alleged admissions in the Sessions Court that he engaged himself in trade or business and that he was the proprietor of the cycle rickshaw factory. He has quoted the alleged admission from his written statement under Section 342 Cr. P.C.,

Ext. M 25 and shown, in my opinion, very satisfactorily that the fact that he mentioned *"Mere family me"* at one place and used the plural *"Hamare"* at another place shows clearly that he meant his family and not himself personally, and, therefore, it was entirely incorrect to infer from that, as rightly asserted by him in Para 6, that he was owner of the rickshaw factory or *Atta* Mill with which alone we are concerned under Charge No. 1. In my opinion, therefore, Ext. M 20, does not amount to any admission of the concerned workman to the effect that he was the owner of rickshaw factory and flour Mill at Muzaffarpur which were the subject matter, of chargesheet Ext. M 21.

Ext. M. 25:

41. Ext. M 25 is his written statement under Section 342 Cr. P.C. filed before the Sessions Court. His written statement is in Hindi but when translated in English it means that in his Mohalla Madar Bux used to live and he had no concern with any of the two and to say that some Madar Bux was our servant in our rickshaw factory or flour mill or in other kind of business is entirely false. In this statement, the word used is *"Hamare"*, which obviously would mean *"our"*. because if a man speaks of himself personally the word used would have been *"Mere family me"*, and not the plural *"Hamare"*, which would mean family as rightly said by the concerned workman. This statement is his written statement, and is not recorded in the form of questions and answers. But from what he mentions therein, in my opinion, there is no doubt that there is no admission that he personally owned any rickshaw factory or flour mill or had any other kind of industry. The work *"karbar"* would obviously mean 'busineess'. From this statement the only inference that could be drawn is that it was asserted by the bank that one Madar Bux was a servant in his rickshaw factory or flour mill or some other business. This pre-supposes, and is entirely a misleading supposition, that he personally did own a rickshaw factory or flour mill or some other business. The concerned workman, without realising the implication, however, took precaution in using the word *"Hamare"*, that is, 'our' and not *"Mere"*, that is, *'mine'*. In my opinion, therefore, there is no admission by the concerned workman in Ext. M 25 that he was the owner of a rickshaw factory and a flour mill at Muzaffarpur as mentioned in charge No. 1. I may mention here that I deliberately make no mention of Tyre-Re-*treading*, because, that is not the subject matter of Charge No. 1, although I find as mentioned earlier that the Enquiry Officer has been very much influenced by that fact but I am not going to give any opinion about Tyre Re-*treading*, which is not the subject matter of Charge No. 1.

Ext. M 2:

42. Let us now see if on the basis of the observation made by the High Court, Ext. M 2, to the following effect, the concerned workman can be held guilty of charge No. 1:

> *"Admittedly, the Appellant Shri Shiv Shankar Prasad has a flour mill and a cycle rickshaw factory at Muzaffarpur. He further claims that he has a tyre retreading factory in the name and style of Tirhut Tyre Re-treading Co. Muzaffarpur and Mr. Singh has not disputed this claim in his Court."*

It may be mentioned that the fact whether the concerned workman was the owner of a flour mill and a cycle rickshaw factory at Muzaffarpur or not was not the subject matter before His Lordship. The only question for consideration before His Lordship was whether Ram Bhadur was one and the same man. The prosecution case was that the man who called himself Ram Bhadur was really a man of Madar Bux, a resident of Chandara at Muzaffarpur, where the concerned workman, the appellant before the Hon'ble High Court, also resided, and, Madar Bux or Ram Bhadur were not put up for trial because both of them were absconding and it was alleged by the prosecution that the concerned workman and another were members of a conspiracy with Madar Bux in pursuance of which the offences in that case had been committed. In that connection, the Hon'ble High Court held that it had not been established beyond reasonable doubt that Ram Bhadur and Madar Bux is one and the same man and on that finding it was conceded that the prosecution case must entirely fail. His Lordship, however, proceeded further to consider the evidence adduced by the prosecution that Ram Bhadur and Madar Bux were one and the same man in order to find out if either of the two—Shri Prasad and S. N. Sarkar, who is not before the Tribunal, was a member of a conspiracy with Ram Bhadur to cheat the Bank. In that connection, His Lordship made the observation, quoted above, but, that in my opinion, cannot be considered to be a finding as that was not the subject matter of dispute before His Lordship and for that reason His Lordship did not say so.

43. Furthermore, it is well settled by the Supreme Court that "an admission is not conclusive proof of the matter admitted, though it may, in certain circumstances, operate as an estoppel". In that connection, in *Nagubai Ammal* Vs. *Shama Rao*, 1956 S. C. R. 451-*AIR* 1956 *SC* 593, Venkatarama Iyer J., observed.

> "An admission is not conclusive as to the truth of the matters stated therein. It is only a piece of evidence, the weight to be attached to which must depend on the circumstances under which it is made. It can be shown to be erroneous or untrue, so long as the person to whom it was made has not acted upon it to his detriment, when it might become conclusive by way of estoppel." "Before the rule 'what a party himself admits to be true may reasonably be presumed to be so' can be invoked, it must be shown that there is a clear and unambiguous statement by the opponent, such as will be conclusive unless explained."

In the instant case, the Bank has not acted upon the said statement to its detriment, which might make it conclusive by way of estoppel. In the instant case, the concerned workman in his explanation Ext. M 20 has denied that he ever admitted and explained that what he meant by making his alleged statement in Ext. M 25. In these circumstances, the alleged admission, cannot be considered to be conclusive proof of the matter alleged to be admitted.

44. Moreover, the High Court's judgment *Ext. M* 2 is a judgment in a criminal case. Such a judgment as observed by the Supreme Court, at page 2811, *in Anil Behari Ghosh* Vs. *Smt. Latika Bala Dassi*, 1955 (2) S.C.R. 270 "*is relevant only to show that there was such a trial resulting in the conviction and sentence*", and, it is not evidence of the fact that Shri Prasad was the owner of a Rickshaw Factory and a Flour Mill at Muzaffarpur. "That question has to be decided on evidence." Here, the case of Shri Prasad is much stronger, because on appeal the said conviction and sentence were set aside by th Hon'ble High Court. The fact that he was acquitted by being given the benefit of doubt is not relevant here. An observation in such a criminal judgment, in my opinion, is not admissible to take the place of a proof, when a dispute arises about that fact in subsequent proceeding so as to relieve the Bank of its obligation to prove by affirmative evidence that Shri Prasad was owner of the cycle rickshaw factory and the flour mill. For the reasons given above, therefore, I am of the opinion that even on the basis of the observation of the Hon'ble High Court in its judgment Ext. M 2 and on the basis of Shri Prasad's Written Statement under Section 342 Cr. P.C., Ext. 25, charge No. 1 has not been proved, and, therefore, it is not established, on the basis of Ext. M 20, Ext. M 25, and Ext. M 2, on which alone the Bank relied, after giving up reliance, and very rightly, on the evidence of the three witnesses PWs 23, 29 and 30, who were disbelieved by the High Court and were held to be unreliable, that Shri Prasad was guilty of '*gross misconduct*' within the meaning of Page 521, clause 4(a) of Sastry Award.

I want to repeat that I have reviewed the finding of the Enquiry Officer Ext. M 16, based on Ext. M 20, M 25 and M2, against my wishes only on the imitation and insistence of the Bank, and therefore, it would not be open to the Bank to allege that I acted as an appellate Court and sat on appeal over the findings of the Enquiry Officer.

45. After having held that the enquiry was not fair and proper and in accordance with natural justice and the enquiry report suffers from many infirmities and after having further considered the merits of the case, as desired by the Bank, and at the request of the Bank, with the consent of the concerned workman, and, having found that Charge No. 1 has not been proved, and, therefore, the '*gross misconduct*' of Shri Prasad had not been established, it follows, therefore, that his discharge by Ext. M 17 was illegal and unjustified, and, therefore, must be set aside.

I may mention that except Exts. M 2, M 20 and M 25 on which alone reliance was placed by the Bank, there is no other evidence before the Tribunal which it could consider on merits, as the depositions of *PWS* 23, 29 and 30 before the Sessions Court have already been discorded by the Bank itself.

46. Shri Barua, however, placed very strong reliance on a decision of the Supreme Court, as mentioned earlier, in *Workmen of the Motipur Sugar Factory Private Ltd.* Vs. *Motipur Sugar Factory Private Ltd.* AIR 1965 SC 1803=1966 BLJR 258. His contention was, as mentioned in his petition filed on 21st March 1966, that if the Tribunal holds that the enquiry was defective or irregular, the Bank should not be given a fresh opportunity to adduce evidence to prove its case, as required in this *Motipur Sugar Factory Case.*

Wanchoo J, Speaking for the Court, in paras 11 and 12 in the aforesaid case in 1966 B.L.J.R. 258 at pages 264 and 265-266 said:

> "11 It is now well settled by a number of decisions of this Court that where an employer has failed to make an enquiry before dismissing or discharging a workman it is open to him to justify the action before the tribunal by leading all relevant evidence before it.* * *".
>
> "12. If it is held that in cases where the employer dismisses his employee without holding an enquiry the dismissal must be set aside by the industrial tribunal only on that ground it would inevitably mean that the employer will immediately proceed to hold the enquiry and pass an order dismissing the empoyee once again. In that case, another industrial dispute would arise and the employer would be entitled to rely upon the enquiry which he had held in the meantime. This course would mean delay and on the second occasion it will entitle the employer to claim the benefit of the domestic enquiry. On the other hand, if in such cases the employer is given an opportunity to justify the impugned dismissal on the merits, the employee has the advantage of having the merits of his case being considered by the tribunal for itself and that clearly would be to the benefit of the employee. *That is why this Court has consistently held that if the domestic enquiry is irregular, invalid or improper, the tribunal may give an opportunity to the employer to prove his case and in doing so, the tribunal tries the merits itself.* This view is consistent with the approach which industrial adjudication generally adopts with a view to do justice between the parties without relying too much on technical considerations and with the object of avoiding delay in the disposal of industrial disputes. Therefore, we are satisfied that no distinction can be made between cases where the enquiry has in fact been held. We must therefore reject the contention that as there was **no enquiry in this case it was not open** to the respondent to justify the discharge before the tribunal."

In my opinion, the above case has no application here for the simple reason that the Bank, in the instant case, did make an enquiry before discharging Shri Prasad with effect from 18th July, 1960. Here, there was a chargesheet *Ext. M* 21, there was an enquiry into it, there was an enquiry report *Ext. M* 16 and after that, when Shri Prasad was found guilty of gross misconduct at the said enquiry, he was discharged. Before the Tribunal Shri Barua did not examine any witness nor did he produce any fresh document though he was given ample opportunity to do so by the Tribunal; on the other hand, Shri Barua filed a petition on 12th March, 1966 to the effect that the Bank did not propose to examine any witness before the Tribunal either regarding charge No. 1 or Charge No. 2, for the reason given therein. On the same day, Shri Prasad also later filed a petition that he also did not wish to examine himself or any witness or adduce any evidence. In these circumstances, before the Tribunal there is no other evidence, except the enquiry papers at the domestic enquiry. The position, therefore, is that the Bank did not produce any evidence oral or documentary before the Tribunal to justify the discharge of Shri Prasad on merits and on the enquiry papers, which have only been filed before the Tribunal, the Tribunal has come to the conclusion, on a consideration, of the evidence, *as asked for by the Bank itself*, that charge No. 1 has not been proved, and charge No. 2 was given up and not pressed, and, therefore, the gross misconduct of the concerned workman had not been established and as such the Tribunal has no other alternative but to hold that Shri Prasad's discharge was unjustified and that inevitably leads to an order of his reinstatement and payment of wages during the period of his forced unemployment.

47. I may observe again that the present enquiry was nothing but a big force and a great hoax and a great fraud on law and a sham and an empty formality for the reasons given earlier. To guard against such enquiry, in *Associated Cement Companies Ltd. Vs. Their Workmen and another*, 1963(II) L.L. J. 397, His Lordship Gajendragadkar J., (as then he was), speaking for the Court, at page 400, observed:

> "As we have repeatedly emphasized, *domestic enquiries must be conducted honestly and* bona fide *with a view to determine whether the charge framed against a particular employee is proved or not, and so care must be taken to see that these enquiries do not become empty formalities.*"

The instant case is a gloring example of deliberate violation of the above principles, in that, the enquiry was conducted by an Officer who had closed,

preconceived, predetermined, prejudiced and biased mind and who allowed his decision to be swayed by his *Bosses* and who played into their hands to please them not at all caring for his own conscience. He completely surrendered his conscience to his Bosses and allowed his findings to be amended and approved by his Bosses. Such a thing is unheard of.

48. I would, however, be disappointing Shri Barua, if I do not deal with the English case, on which he strongly relied, in connection with the domestic enquiry. He particularly relied on the following observations in *Maclean* Vs. *The Workers' Union*, (1929) I Ch. 602 of Maugham, J., at pages 620-621.

> "Speaking generally, it is useful to bear in mind the very wide differences between the principles applicable to courts of justice and those applicable to domestic tribuna's. In the former the accused is entitled to be tried by the judge according to the evidence legally adduced and has a right to be represented by a skilled legal Advocate. All the procedure of a modern trial, including examination and cross-examination of witnesses and the summing up, if any, is based on these two circumstances. A domestic tribunal is in general a tribunal composed of laymen. It has no power to administer an oath and, a circumstance which is perhaps of greater importance, no party has the power to compel the attendance of witnesses. It is not bound by the rules of evidence, it is indeed probably ignorant of them. It may act, and it sometimes must act, on mere hearsay, and in many cases the members present or some of them (like an English jury in ancient days) are themselves both the witnesses and the judges. Before such a tribunal counsel have no right of audience and there are no effective means for testing by cross-examination the truth of the statements that may be made. The members of the tribunal may have been discussing the matter for weeks with the persons not present at the hearing, and there is no one even to warn them of the danger of acting on the preconceived views."

In my opinion, this just mentioned English case has no application to the facts of the present case for the simple reason that here the domestic enquiry was presided over not by a layman, but by no less a person than the Chief Agent, Central Bank of India, Indore, and it was for the Bank to produce its witnesses, and,therefore, the question of summoning witnesses did not arise. Shri Barua relied on this case to fill up the *lacuna*: to supply the reason as to why the witnesses, whose depositions before the Sessions Court had been filed before the Enquiry Officer, were not examined before the Enquiry Officer; but, unfortunately, nothing has been shown to me nor anything has been brought to my notice to show that Shri Barua made any grievance before the Enquiry Officer that he wanted to examine the witnesses, whose depositions had been filed by him, but those witnesses were not coming forward to give evidence before the Enquiry Officer, and, therefore, they should be summoned by him. I do not think, therefore, that this case is of any assistance to Shri Barua. Even before this Tribunal, which has got the power to summon witnesses and all the powers of the Civil Court for summoning witnesses, the Bank did not like to examine any witness, although ample opportunity was given to it by the Tribunal to do so. In these circumstances, I do not think that there is any substance in this contention of Shri Barua.

Re: (5):

49. Shri Prasad contended that the finding of the Enquiry Officer Ext. M16 was perverse because if all the evidences relied upon by him were excluded, no evidence was left, and, therefore, his finding was not supported by any legal evidence. He further contended that Ext. M29 is a Municipal receipt dated 2nd February 1955 for licence fee for Flour Mill for 1954-55; Ext. M30 is a Verification certificate No. 84 dated 11th January 1955 regarding Umesh Flour Mill, Prop. Hari Shankar Prasad, his brother; Ext. M31 is Treasury Chalan, dated 21st November 1957 regarding Umesh Flour Mill in the name of Hari Shankar Prasad, his brother; Ext. M32 is Jail Superintendent's Order, dated 23rd June 1956 for grinding 50 mounds of wheat issued to Shri Hari Shankar Prasad, his brother, and, the chargesheet Ext. M21 was issued to Shri Prasad on 5th April 1958 following the Show Cause Notice dated 13th January 1958 Ext. M19; but the Enquiry Officer went against these exhibits, which clearly shows that his report is against the weight of evidence, and, therefore, it is perverse. It was further said that P.W. 31 Shri Moni Bhusan Roy, Inspector of Police, who was the Investigating Officer, whose evidence has been quoted earlier, at page 170, of Ext. M33

stated that he searched the house of Hari Shankar Prasad, the brother of the concerned workman, from where he found documents from 2nd May 1947 to 31st July 1949 regarding Shankar Rickshaw Factory, but, later on, at page 192, P.W. 31 admitted that those documents were missing from the Police Malkhana and on his evidence nothing was found from the house of the concerned workman. He further contended that the observation of the Hon'ble High Court, quoted earlier, is no finding regarding business of the concerned workman; and, therefore, for these reasons the enquiry report Ext. M16 was entirely perverse. I think there is great force in these contentions, because, as I have stated earlier, the Enquiry Officer has relied on the evidence of those witnesses for proving charge No. 1, with which alone we are concerned, whose evidences were discarded by the Hon'ble High Court and, he either did not consider or reject the evidence furnished by Shri Prasad in the shape of Exts. M29, M30, M31 and M32 and did not take into consideration also the important evidence of P.W. 31, at pages 170 and 192, in Ext. M33. He relied very much on the observation of the Hon'ble High Court treating it as a finding regarding the business of the concerned workman, when his business was not the subject-matter of the dispute before the Hon'ble High Court before His Lordship, as shown before. His Lordship's observation was in connection with another matter, but, unfortunately, that observation has been divorced from the context and used in isolation against the concerned workman for the present purpose, which could not legally be done. I, therefore, hold that the Enquiry Report, Ext. M16, which was a cooked up and got up one, as will appear from Exts. W3, W4, W7, W8, W9 and W10, which have been referred to before, and discussed in detail, because the Enquiry Officer was not an independent and impartial person, but entirely at the beck and call of his Bosses—Sarvashri F. C. Cooper and N. A. Wazifdar, the two topmost Officials of the Head Office of the Bank at Bombay—and was moving on dictations of his Bosses, and he produced the enquiry report, Ext. M16 as if made to order, and tailored to their needs, and sent it for perusal on 10th June 1960 to Shri Cooper under Ext. W8 as ordered on 7th June 1960 by Ext. W7 by Shri F. C. Cooper, (the date 17th June 1960 seems to be a mistake for 7th June 1960 as there is a reference to Ext. W7 in Ext. W8) and then it was approved by Shri F. C. Cooper on 17th June 1960 by Ext. W10, and he did as directed to do by the higher authorities and he completely surrendered his conscious to them and did not apply independently and impatrially his mind to the evidence on the record, but he was determined any pect of Charge No. 1, with which we are now concerned, and to discharge the how to return an affirmative finding as to Shri Prasad's gross misconduct in resconcerned workman, as directed in Ext. W3. There can be no doubt that the present enquiry was a pre-judged enquiry to get rid of Shri Prasad. For these reasons the enquiry report Ext. M16 must be rejected as it was as a result of violation of natural justice.

50. It was then contended by Shri Prasad that the Enquiry Officer had no jurisdiction either to issue a notice, as he did, as it will appear from Ext. M35, and to ask Shri Prasad to show cause as to why he should not be discharged from Bank's Service, or to discharge him from Bank's Service as will appear from Ext. M36, and it was the Chief Agent, who was the appointing authority, and, therefore, he was the appropriate authority to dismiss him. It appears, however, from Ext. M17 that on 18th July 1960, the Chief Agent issued a letter to the concerned workman Ext. M17 informing him that in accordance with the punishment awarded by the Enquiry Officer he was discharged from the Bank's service with immediate effect, and, therefore, the discharge of the concerned workman was effective from 18th July 1960 by virtue of the order of the Chief Agent and admittedly the Chief Agent had the power to discharge him. It is true that Ext. M35 and Ext. M36 do show as alleged by the workman concerned, but, in my opinion, taking them together or separately they cannot be construed to be letters of discharge, when admittedly the Enquiry Officer had no power to discharge the concerned workman. I would, therefore, hold that the letter of discharge Ext. M17 was issued by the Chief Agent on 18th July 1960; and Exts. M35 and M36 are not in reality letters of discharge because the Enquiry Officer had no power to discharge the concerned workman, and, therefore, there was no defect in the order of discharge Ext. M17 issued against Shri Prasad on 18th July 1960.

51. For the reasons given above, I, therefore, answer the reference by holding that the management of the Central Bank of India, Ltd. was not justified in discharging Shri Shiv Shankar Prasad, Assistant Cashier of the Muzaffarpur Branch of the Central Bank of India Ltd., with effect from 18th July 1960, and his discharge is not only unjustified but illegal and in violation of the principles of natural justice, and, therefore, his discharge is set aside and he is reinstated to his

previous job with full back wages and other benefits to which he may be entitled with effect from 18th July 1960 till the date of his reinstatement with continuity of service.

52. Before I close, however, I wish to record my appreciation of the great assistance, which I have received from Shri N. L. Barua, representative of the Bank and from Shri Shiv Shankar Prasad, the concerned workman, representing himself and his union, both of whom, although not Lawyers, have argued their respective cases with great ability and thoroughness and convincingly, as far as they could, so as not to make the Tribunal feel the absence of any party being not represented by any lawyer.

53. This award must be implemented within one month from the date of publication of this award under Section 17 of the Act when it becomes enforceable under Section 17A of the Act.

54. This is the award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.

[No. F. 51(8)/65-LRIV.]

ORDER

New Delhi, the 3rd August 1966

S.O. 2434.—Whereas the Central Government is of opinion that an industrial dispute exists between Chipping and Painting Contractors and their workmen in respect of the matters specified in the Schedule hereto annexed:—

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the demand for payment of Profit Sharing Bonus on behalf of the listed Chipping and Painting workers employed at Calcutta Port is justified and if so at what rate and from what date should the same be paid?

[No. 28/54/66-LRIV.]

A. L. HANDA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 3rd August 1966

S.O. 2435.—In exercise of the powers conferred by clause 44 of the War Injuries Scheme, 1942, the Central Government hereby directs that, with effect from the 1st April, 1966 and until further orders, the following further temporary increases shall be made in the rates of disability pensions, family pensions and children's allowances admissible under the said Scheme, namely:—

(a) in the case of disability pension and family pension at the rate of Rs. 4 per month in each case;

(b) in the case of children's allowances at the rate of Rs. 2 per month per child.

The above increases shall be subject to—

(i) the limitation laid down in sub-clause (2) of clause 32 of the said Scheme;

(ii) the condition that the amount of family pension or children's allowances or both in respect of a qualifying injury is one for which relief may be given on a higher scale;

(iii) a maximum of Rs. 21.50 paise if the injury is not one for which relief may be given at the higher scale.

[No. F. 19/2/65-PL.]

S.O.2436.—In exercise of the powers conferred by section 14 of the Maternity Benefit Act 1961 (53 of 1961) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3086 dated the 19th October, 1963, the Central Government hereby appoints the officers of the Coal Mines Welfare Organisation specified in column (2) of the Table below as Inspectors for the purposes of the Maternity Benefit Act, 1961 and they shall exercise their functions within the areas specified in the corresponding entry in column (3) thereof, namely :—

TABLE

Sl. No.	Name and designation	Jurisdiction
1	Shri A. P. Connolly, Deputy Coal Mines Welfare Commissioner.	All Coal Mines throughout India.
2	Shri P. R. Khandekar, Welfare Inspector.	All Coal Mines in Bihar and Orissa Coalfields.
3	Miss S. K. Manik, Welfare Inspector.	All Coal Mines in West Bengal and Assam Coalfields.
4	Shri Shyam Chandra, Welfare Inspector.	All Coal Mines in Andhra Pradesh and Chanda Coalfields.
5	Shri L. P. Sinha, Welfare, Inspector.	All Coal Mines in Madhya Pradesh Coalfields.
6	Shri R. C. Ram, Assistant, Inspector Labour Welfare.	Coal Mines in Jharia, Coalfields.
7	Shri A. K. Mitra, Assistant Inspector, Labour Welfare.	All Coal Mines in the Coalfield known as Bokaro Coalfield.
8	Shri H. M. Singh, Assistant, Inspector Labour Welfare.	Coal Mines in Jharia Coalfield and Coal Mines in Giridih Sub-Division.
9	Shri J. N. Pandey, Assistant, Inspector Labour Welfare.	Coal Mines in Raniganj Coalfield.
10	Miss S. Mathur, Assistant Inspector Labour Welfare.	Coal Mines in Raniganj, Coalfield.
11	Shri D. Kumar, Assistant Inspector Labour Welfare.	Coal Mines in Raniganj, Coalfield.
12	Shri B. S. Bhaduria, Assistant Inspector Labour Welfare.	Coal Mines in Mugma Coalfield and Coal Mines situated in Jainty, Sahurjuri and Rajmahal Coalfields in the districts of Santhal Parganas.
13	Shri M. P. Singh, Welfare Organiser.	All Coal mines in Vindhya Pradesh Coalfield as well as Korba field.
14	Shri K. D. Duara, Assistant Inspector Labour Welfare.	Coal Mines in Assam Coalfield.
15	Shri S. S. Saneya, Junior Assistant Inspector Labour Welfare.	Coal Mines in Raniganj, Coalfield.
16	Shri M. R. Nagar, Junior Assistant Inspector Labour Welfare.	Coal Mines in Jharia Coalfield.
17	Shri Adhya Saran Singh, Assistant Welfare Organiser.	Coal Mines situated in Orissa.
18	Shri B. N. Sinha, Assistant Inspector Labour Welfare.	Coal Mines in Jharia Coalfield.
19	Shri H. G. Lal Agarwal, Assistant Welfare Organiser.	Coal Mines situated in Ramgarh Karanpura plus coal mines situated in Ranch and Daltanganj Districts.
20	Shri N. P. Sharma, Welfare Organiser.	Coal Mines in Jharia Coalfield.
21	Shri Bhaya Ramchandra Prasad, Assistant Inspector Labour Welfare.	Coal Mines in Korea Coalfield.
22	Shri Radhey Lall, Adult Education Instructor.	Coal Mines in Rajasthan Coalfield.

[No. F. 12(9)/63-HI]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th August 1966

S.O. 2437.—Whereas the Government of Kerala has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri C. K. Kochukoshy, Secretary to the Government of Kerala, Health and Labour Department to represent that State on the Employees' State Insurance Corporation in place of Shri A. Sethumadhava Menon;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1879, dated the 11th June, 1962, namely:—

In the said notification, under the heading "[Nominated by the State Governments under clause (d) of section]" for the entry against item 12, the following entry shall be substituted, namely:—

"Shri C. K. Kochukoshy, Secretary to the Government of Kerala, Health and Labour Department, Trivandrum."

[No. F. 3/15/66-HI.]

S.O. 2438.—In exercise of the powers conferred by section 73F of Employees' State Insurance Act, 1948 (34 of 1948), and having regard to the location of the factory in an implemented area, the Central Government, hereby exempts the Central Jail Industrial Section, Central Jail, Madras, from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 12th August, 1966.

[No. F. 6(69)65-HI.]

S.O. 2439.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts for the period upto and including the 14th January, 1967, the following Central Government employees, now on deputation, with Messrs Hindustan Housing Factory Limited, New Delhi, from the operation of the said Act, namely:—

Sl. No.	*Name of the employees*	*Designation*
1.	Shri U. C. Mittal.	Stenographer.
2.	Shri Jyoti Prasad.	Despatch Supervisor.
3.	Shri O. P. Bhatia.	Junior Accountant.

2. The above exemption is subject to the following conditions, namely:—

(i) the aforesaid factory shall maintain a register showing the names and designations of the exempted employees; and

(ii) that, notwithstanding this exemption, the exempted employees shall continue to receive such benefits under the said Act to which they might have qualified on the basis of contributions paid before the date of exemption.

[No. F. 6(17)/66-HI.]

S.O. 2440.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts Shri B. R. Gupta, Stenographer a Central Government employee on deputation with Messrs. Hindustan Housing Factory Ltd., New Delhi from the operation of the said Act for the period from the date of issue of this notification upto and including the 14th January, 1967.

2. The above exemption is subject to the following conditions, namely:—

(i) the aforesaid factory shall maintain a register showing the name and designation of the exempted employee; and

(ii) that, notwithstanding this exemption, the employee shall continue to receive such benefits under the said Act to which he might have qualified on the basis of contribution paid before the date of exemption.

[No. F. 6(17)/66-HI.]

New Delhi, the 5th August 1966

S.O. 2441.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. R. H. Windsor (India) Limited, Plot E-G, U. Road, Thana Industrial Estate, Thana have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of June, 1966.

[No. 8/2/66/PF.II.]

New Delhi, the 6th August 1966

S.O. 2442.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Killick Industrial Services Private Limited, Killick Industrial Estate, Kurla Powai Road, Chandivali, Bombay-70 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st May of January, 1966.

[No. 8/2/66/PF.II.]

S.O. 2443.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Diners' Club (India) Private Limited, Vulcan Insurance Building, V.N. Road, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of April, 1965.

[No. 8/2/66/PF.II.]

S.O. 2444.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Khwaja Commercial Corporation, 307, Abdul Rehman Street, Bombay-3, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of November, 1965.

[No. 8/2/66/PF.II.]

S.O. 2445.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Menzes Air Travel, Panjim (Goa), Rua, 5, Tome, Panjim, Goa have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of August, 1964.

[No. 8/2/66/PF.II.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th August 1966

S.O. 2446.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948, the Central Government hereby appoints the Deputy Chairman, Madras Dock Labour Board as a member of the Madras Dock Labour Board *vice* Secretary, Madras Port Trust and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 310, dated the 14th January, 1965, namely:—

In the said notification, under the heading *"Members representing the Central Government"*, for the entry against item (3), the following entry shall be substituted, namely:—

"The Deputy Chairman, Madras Dock Labour Board."

[No. 524/21/63-Fac.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 30th July 1966

S.O. 2447.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Rajasthan, Shri N. B. Gorwaney, Settlement Officer in the office of the Regional Settlement Commissioner, Rajasthan, Jaipur as Deputy Custodian for the purpose of discharging the duties imposed on custodian by or under the said Act with immediate effect.

[No. 6(2)AGZ/66.]

New Delhi, the 3rd August 1966

S.O. 2448.—In exercise of the powers conferred by Sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri P. K. Chopra as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the afternoon of the 15th July, 1966.

[No. 8/65/AGZ/66.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio*, Under Secy.

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